

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
NINETEENTH DAY
DECEMBER 7, 2004**

**MEETING HELD AT THE EVANS K. GRIFFING BUILDING
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE, RIVERHEAD, NEW YORK**

MINUTES TAKEN BY
LUCIA BRAATEN AND DONNA CATALANO, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:41 A.M.]

P.O. CARACAPPA:

Good morning. Good morning, Mr. Clerk. I apologize for the delay.

MR. BARTON:

Good morning.

P.O. CARACAPPA:

Roll call.

LEG. ALDEN:

It's Dan's fault.

P.O. CARACAPPA:

It is Dan's fault.

LEG. CARACCILO:

Here.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

(Not Present)

MR. MONTANO:

(Not Present)

LEG. ALDEN:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

(Not Present)

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

Present.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

11 present. (Not Present at Roll Call: Legs. Schneiderman, Viloría•Fisher, Lindsay, Montano, Kennedy, Mystal and Binder)

P.O. CARACAPPA:

Thank you. We have a quorum. Just note, Legislator Mystal and Montano are present. Would everyone please rise for a salute to the flag, led by Legislator Alden.

(Salutation)

Please remain standing. I'd like to introduce and recognize Legislator Dan Losquadro for the purposes of introducing today's clergy. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. It is truly my honor this morning to introduce today's clergy, Pastor Joe Lecci from my district, especially on such a solemn day in America's history. Pastor Lecci is incredibly dedicated to the programs that he operates, most notably, Lifeline Mediation Center and Middle

Island Caring for Kids. But beyond that, the groups that he's involved in, I need my crib sheet, because he's one of the most dedicated people I know. He also is involved in Jump Start, PAL summer camps and basketball programs, SUNY Stony Brook's Liberty Partnership's Tutorial Program, Brookhaven's Youth Bureau, and Brookhaven's Community Development and Juvenile Prevention and Probation Department, just to name a few. I could keep you here all day. But he's truly a type of person that is committed to giving back to his community. He leads by example, and I'm very pleased to introduce him today to give the invocation. Pastor Lecci.

PASTOR LECCI:

Thank you, Dan. If we can just join together as we ask God's blessing on this morning.

Almighty and all merciful Lord, we bow our heads in thanksgiving for the wealth of blessings, seen and unseen, that you have given us, the American people. Through times of abundance and times of need, through times of war and times of peace. We thank you especially for the gifts of liberty and prosperity, and for the call to be defenders and promoters of justice and freedom for all peoples. Humbly, we beseech you, Lord, to remember in kindness all our fellow Americans who in all times offered and continue to offer their lives in defense of this country, and the sacred precepts of freedom, equality and justice upon which we see our foundation. We also ask you, Lord, to bless the work of the Legislators of our County who have come together to carry forward our democratic institutions. Guide them to fulfill the duties of their office. May the feelings of love, kindness and a gentle spirit always be reflected in their actions. May we continue to follow the road less traveled and know that we are making all the difference. Amen.

P.O. CARACAPPA:

Just remain standing just for a moment. I'd ask that, as Legislator Losquadro mentioned, that we remember our history as a nation today. Of course, today is Pearl Harbor Day. We pray for the souls lost then, we pray for the souls of those lost recently in Iraq and Afghanistan. We pray for their families during this holiday season, and we pray for those who are over there now defending democracy and freedom minute by minute.

(Moment of Silence)

Thank you. Please, be seated. I'd like to recognize Legislator Brian Foley for the purposes of a proclamation.

LEG. FOLEY:

Thank you, Mr. Chairman. Good morning, colleagues, good morning, Ladies and Gentlemen. It's an honor to give this proclamation to an individual who has rendered outstanding judicial service to Suffolk County for over 42 years. It's a person who also has given much to the community of Patchogue, where he's been a lifelong member of the Patchogue Fire Department and has served that community so well for many decades. He comes from one of the outstanding families in Patchogue that has a long and rich history within the Village of Patchogue, and I thought that it would be timely, since he'll be retiring within the next several weeks, that he'd come down from on high on Griffing Avenue and come down to this particular part of Riverhead to grace us with his presence, so we can say thank you to him for all his years of service to residents of Suffolk County. So, I'd ask Judge William Underwood to, please, step forward. And, as he does ••

(Applause)

And as he does, we also have the Clerk, Ed Romaine, who is here, who may also would like to say a few words about Judge Underwood. But I'll leave it to the good Judge to mention why it's appropriate that, as he ends his judicial service, that he should be here back at this particular building with a story that he will regale us with as to what his responsibilities were 45 years ago involving in the construction of the building.

But before I have the Judge say a few words, Bill, I'd like to, on behalf of the County Legislature, give you this proclamation. We hold you in the highest of esteem, and we know that as much as you've given to this County over these past 42 years, we know that you're going to continue to make a difference in the lives of many residents, and particularly those who live in the Village of Patchogue, because we know that you continue to serve that area by your volunteerism on the Patchogue Fire Department. So, Bill, congratulations. We wish you and your family the best of luck in the years ahead.

(Applause)

JUDGE UNDERWOOD:

Thank you very much. I'm more than happy to be present here. It brings back pleasant

memories, when I was a young Assistant County Attorney, and my first assignment was the Board of Supervisors of the County, which we met across the way in Griffing Avenue, and were there •• and the first project •• one of the first projects I was assigned to, "We want to put up a new County Center Building, so here's our plans." So, I set up the •• lay out the bids, received the bids, made recommendations on the bids, provided for the contracts to be signed, worked with the architects, went to New York to get the financing, as I mentioned to Brian, I came back with a check in my pocket for the cost of it on a midnight train into Patchogue, and signed for the deposits. And then, of course, we had our •• two years later, we were able to have our first of the Board of Supervisors in this gracious room. And I can see that things have changed tremendously, and I think to the best, as we say. There's a lot of improvements to be made in County government, and I commend all of you here for the work that you've been doing over the past few years.

And thanks ever so much, Brian. I might say, it brings back pleasant memories to have the honor that you've bestowed upon me here in this building, and as I say, towards the end of my career. The beginning of my career, this building had a great deal to do. Thank you so much, Brian.

(Applause)

LEG. FOLEY:

Just have a few more moments. The "mayor" of the building, we would like to have Ed Romaine, who is the County Clerk, say a few words as well. Mr. Romaine.

MR. ROMAINE:

Well, besides being County Clerk, one of the things I get to do is serve as Clerk of the Supreme Court. And I will tell you that Judge Underwood has been a pillar of that court, has written many notable decisions, and has guarded the judicial future of this County. And our bench is going to be certainly sadder for his departure. We wish him well in the future, but he will be remembered as one of the judicial pillars in Suffolk County history. And I'd like to join with Legislator Foley in commending the Judge for his 42 years of service on the bench. Your Honor, congratulations.

JUDGE UNDERWOOD:

Thank you.

(Applause)

LEG. FOLEY:

Thank you, Ed. And we thank the Legislature for your attention. And, again, he's one of the outstanding members of our Patchogue community, as is his family. He's making a difference also, I might say, in the revitalization of Patchogue in some of the buildings that his family owns, where it's undergoing revitalization, renovation. So, in a lot of ways, the Underwood Family has been part and parcel to the history of our County of the greater community of Patchogue, and so I was •• I'm thrilled that here today we could show him a small token of our appreciation for the years of service that he's given to us. Thank you very much.

(Applause)

P.O. CARACAPPA:

Your Honor, on behalf of the Legislature, we all say congratulations, and thank you so much for your years of dedicated service. Your name is synonymous with the growth of this County in a very positive way, and we wish you all the very best in your future endeavors.

JUDGE UNDERWOOD:

Thank you.

P.O. CARACAPPA:

God bless. Going to the public portion. Just be reminded, public, that you have three minutes to conclude your statement, no longer. This is your time, it's not a question and answer period. First speaker is Carolyn Fahey.

MS. FAHEY:

Good morning. I've been asked by Commissioner ••

P.O. CARACAPPA:

Ms. Fahey, just check that microphone, see if it's on. Just pull it close.

MS. FAHEY:

Is that better? Is that better?

P.O. CARACAPPA:

Thank you.

MS. FAHEY:

Good morning. I've been asked by Commissioner Morgo to read into the record this morning a letter from him to the Legislature regarding the Long Island Visitors and Convention Bureau.

"Dear Presiding Officer Caracappa and Members of the Suffolk County Legislature, due to prior commitments, I am unable to be with you this morning. However, I wanted to share with you my observations regarding the Long Island Visitors and Convention Bureau."

"As you know, through the 2005 Operating Budget, the oversight of the Tourism of the Hotel/Motel Tax was transferred back to the Department of Economic Development and Workforce Housing. This was the right move. Tourism is an industry sector, just like manufacturing, retail, wholesale, and as such is an essential part of the department's mission. We welcome the renewed responsibility."

"The Board of the LICVB has taken quick action to implement changes on how they administer their organization, both management-wise and financially. Separate bank accounts have been established to segregate membership dues from the Hotel/Motel Tax funds. Management reforms such as dual signatures on expenditures over 5,000, preapprovals of all travel expenses, dual signatures for travel and entertainment reimbursement, and an RFP bid process for all outstanding vendor contract work have been put in place. These are welcomed and needed reforms."

"I would like to congratulate the Board of the LICVB for their diligent efforts in their search for a new president. Their efforts have produced someone I feel will bring a needed new focus and direction to the Bureau, and subsequently to the tourism industry here on Long Island. It is the administration's hope that Suffolk County will reap the rewards of this new leadership and its related new courses and endeavors."

"In the 15 weeks since Mr. McGowan has come on board, he has shown a sincere effort to improve the relationship between the Bureau and the local tourism entities throughout Long Island. To date, my staff and I have met with Mr. McGowan over a dozen times to discuss comments of the Comptroller's report, the department's oversight of the tax, the various ways

our department can assist and enhance the activity of the Bureau, and how the Bureau augments the programs run by our department."

"Please be assured that the department will take the oversight of the LICVB seriously, especially of the tax dollars the County has entrusted the Bureau to manage. I want to thank you for your time and attention. Sincerely, Jim Morgo, Commissioner, Economic Development and Workforce Housing."

P.O. CARACAPPA:

Thans, Ms. Fahey. Next speaker is Cesar Malaga, followed by Seth Weingart. As Mr. Malaga is coming, I'd just like to just make notice of the cards and their comments. Though you can speak on anything you want, many of them have to do with the County Executive's proposal on deputization. Just know that there is no item before this Legislature whatsoever relating to the deputization, nor has there been. The County Executive has abandoned his police deputization idea for the time being, and so I'd ask that you just make your comments as brief as possible due to the fact that it's not on our agenda today whatsoever. So, Mr. Malaga, the floor is yours.

MR. MALAGA:

Good morning. My name is Cesar Malaga, President of the Hispanic•American Association here in Suffolk County.

We are familiar •• all of you are familiar with the Statue of Liberty. The Statue of Liberty for •• liberty for immigrants, stands the Mother of exiles, mother of immigrants. With silent lips, she says, "Give me your tired, your poor. Send these, the homeless, tempest•tost to me, I lift my lamp beside the golden door." Now, that's what the United States of America stands for. Help the poor, the homeless, and all those who want a better life for themselves and their families, just like your parents, grandparents and great•grandparents wanted for their families, and you. The United States of America is a country of immigrants and descendent of immigrants.

I do not think that there is a Native American Indian sitting with you there. We immigrants and descendent of immigrants should work together for the future of our country and the future of our American Native Indians.

We should also understand that Latino immigrants are not terrorists. Many Latino immigrants died in the World Trade Center attack. Many were hard•working undocumented Latinos. We should also understand that gangs are not predominantly made up of recent immigrants from southern Hispanic countries, as some of you might think. Suffolk Life should work with our Police Departments and report the true facts. Most gang members are U.S. citizens, young people under 23 years old. We should not only make arrests of the gang members, we should find out why they start a gang. We have to get to the root of the problem before it gets out of hand.

I do not know the money that Congressman Israel obtained from the federal government is just to control the gangs. We believe that that money should also be used to find out the root of the problem of the gangs in Suffolk County and any other place.

We should all work together to make this County a better place to live, not a divided County between Latinos and other residents. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Malaga. Seth Weingart, followed by Anthony Ernst.

MR. WEINGART:

Good morning. My name is Seth Weingart. I am here representing the Long Island Progressive Coalition as a staff member. We're here today to reaffirm our solidarity with the immigrant and Latino population in opposition to County Executive Levy's proposal to deputize police officers as immigration agents. We feel it shows a great lack of respect on the part of Executive Levy by not meeting with members of the Latino community before he made this decision to come up with this proposal. We think that we need to embrace diversity in Suffolk County. We need to oppose proposals like this which feed to the fire of hate groups who would like to divide our County.

We also are reaffirming our opposition to the Legislature's Sense Resolution to invite the Immigration Customs Enforcement into the County. We think that by putting fear into the immigrant and Latino community in Suffolk County does no •• does no good to our County. These are hard•working and good people who live here, may be undocumented, or they •• many of them, but there's no need to scare them into hiding by saying that police officers will have the ability to deport them out of the country.

Everyone who came to this country, except for Native Americans, was an immigrant, and there was not such thing as an illegal immigrant. It's completely unfair now to say that certain people are not allowed to come to this country to attempt to provide a better life for their families. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you. Just let the record reflect and for the public, there is no Sense Resolution, as the speaker mentioned, before us today in that regard. Anthony Ernst, followed by Eleanor Oakley.

MR. ERNST:

Hi. I'm Tony Ernst, I'm from Southampton, and I'm a member of Organizacion, Latino Americana of Eastern Long Island, and the South Fork Chapter of Long Island Progressive Coalition.

I was born in this country, so I'm legal, but my grandparents on my father's side came from Eastern Europe. There is no record of them having arrived at Ellis Island, and my cousin discovered that they arrived in Canada on a ship, and they soon appeared in New York. His conclusion, they swam across the Saint Lawrence River and my grandpa was a "wetback". Nevertheless, he was welcome in this country.

Now it looks to me that when County Executive Levy starts talking about laws, special laws, that he's singling out Latinos as criminals.

Now, on the East End where I live, we have more immigrants from Columbia than any other country in that •• in the Latin•American •• this is the Latin•American country that receives the most military aid from the United States. We have escalated the war down there. It's a dangerous place and the Columbians come here. More Mexicans come here than •• many Mexicans come here. Our trade police favors big agri•business, and U.S. corn now undersells Mexican corns •• Mexican corn. And the men from Mexico come across the border and they wind up here in Suffolk County.

What we need is not new Suffolk Laws to control immigration or crime, what we need is new

U.S. trade laws and a new •• and a new U.S. foreign policy.

(Applause)

P.O. CARACAPPA:

Thank you. Eleanor Oakley, followed by Neal Lewis.

MS. OAKLEY:

My name is Eleanor Oakley and I come from Shelter Island. I am not here today representing any organization or political party. I am here as a citizen of the East End, citizen of Suffolk County, who is deeply concerned with what is happening as a result of the plan to deputize Suffolk County Policemen.

I have heard from people in various parts of the United States who have called to say to me, "Hey, I hear Suffolk County's on the map. Wow. Look what's going on in your County." And I am, frankly, ashamed of what's going on in my county. The fact that we cannot be known as a County who wants to take the lead in being a supporter of a just, compassionate legal immigration plan is somehow beyond me.

I feel that what Mr. Levy has done, and some of the people on this Legislature have done, is to empower those who address the problem by promoting fear and hate. And I would like Suffolk County to be spoken about with great pride, rather than the embarrassing situation we are in.

I'd also like to mention •• I don't want to mention, I want to ask a question. Which of us in this room, if our families were hungry, if our children did not have warm clothes when it got cold, which of us would not cross a boarder to meet our family's needs. I think we need to ask ourselves. And no matter what we do, people will keep coming, as long as their families are in such desperate need. And I think we need to take a look at the big picture, which in some way Mr. Ernst was referring to.

We have U.S. Trade policies, NAFTA, the proposed CAFTA, FTAA. I would bet that not six people in this room could really tell us the ways in which they have impacted on the poor of Central America and South American. We are also responsible for the poverty in those countries, and we have an obligation to have a fair, and just, and compassionate immigration plan, and not what has been proposed in this Legislature. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you. Neal Lewis, followed by John Turner. Neal Lewis, followed by John Turner.

MR. LEWIS:

Honorable Presiding Officer, members of the Legislature, good morning. My name is Neal Lewis, Executive Director of the Neighborhood Network. I have a handout that I'd like to hand up.

Neighborhood Network is holding our sixth annual Fall Organic Trade Show on December 15th, that's Wednesday of next week. The handout that I have passed up to the members of the Legislature gives a little bit of details on it. I'd like to encourage any member of the Legislature to stop by at any time during the day. The program starts at eight and ends a little bit after three. As I said, this is the sixth year that we'd be doing the program. We've done it in Suffolk County every year. This year, we happen to be at the Smithtown Sheraton.

We're bringing in an internationally recognized speaker from Oregon University, it's Dr. Elaine _Ingham_. She has really been a leader in the field of bringing science to the whole effort to promote safer alternatives to chemical pesticides. And I won't mention any more details about her work, because it's really been quite extraordinary, and I would say it's a great opportunity for all of you that are here to perhaps come by and hear some of her comments. The program includes some 20 tables of companies that sell organic products. These are products that provide safe alternatives to using chemical pesticides for maintaining lawns.

You may ask the question why we would run such a program at a time of year where we're approaching winter, rather than the time when people tend to think about these things. This program is geared toward professionals in the trade. We're working with landscapers. We have several golf course superintendents that will be participating. We've had as many as 30 schools send superintendents and groundskeepers to the program in the past, and I have a little less than that, about 20 that are scheduled this year, so 20 different schools to be represented. So, these professionals in the trade can learn what they can do to reduce chemicals, protecting our drinking water and the health of Long Islanders.

We do have about six people from the Suffolk County Parks Department that will be coming to the program, so the County is well represented. And, once again, one of the values, one of the good things, for those of you that have very busy schedules, which I'm sure applies to all of you, is that the trade show is designed in such a way that you can come by at any point during the day and be able to take a great deal of it in, in terms of visiting the various booths. So, please, do feel free to do that any time from 8 a.m. to a little bit after 3 o'clock.

Since I'm talking about safer alternatives to chemical pesticides, I thought it would be appropriate to mention that the Neighborhood Network strongly supports Legislator Schneiderman's bill, 2102. We believe that prohibiting the use of products that are registered and listed by the EPA to being either known or suspected carcinogens, or meeting other criteria that is of concern, is a very reasonable piece of legislation. I think that bill is for me. I thank you all for your time.

P.O. CARACAPPA:

Thank you, Neal, we certainly appreciate your comments. John Turner, followed by William Stoner.

MR. TURNER:

Good morning, Presiding Officer Caracappa, members of the Suffolk County Legislature.

P.O. CARACAPPA:

Good morning.

MR. TURNER:

For the record, my name is John Turner, and I serve as Assistant Town Planning Director for the Town of Brookhaven, and in that capacity, I have administrative oversight responsibilities for the Town's Open Space Acquisition Program. And I want to make a note that I'm joined today by _Dennis Cole_ , who is the real brains behind the open space operation in the Town.

I'm here today to express the Town of Brookhaven's strong support for the adoption of four resolutions that are before you today, and they are 2134, 2135, 2136, and 2138. These resolutions relate specifically to the Hoshyla and Zeh Farms located in Manorville, the Hanley Nursery property located in South Manor, and in addition to the preserved open space assemblage situated along Abets Creek in East Patchogue.

As the County resolutions indicate, the Town of Brookhaven Town Board has adopted resolutions authorizing the Town to enter into a funding partnership with Suffolk County to acquire real property interests in these parcels, the purchase of development rights in the case of the farm and nursery properties, and fee in the case of Abets Creek.

The Hashyla and Zeh Farms are situated within the highest priority farmland preservation target in the Town of Brookhaven, the Manorville Farm protection area, and I've brought copies of an aerial photograph, perhaps I could pass out to you, so you get a better sense of that area. And when you look at the aerial photograph, I think you'll realize its value to the agricultural viability for the town. It is approximately a 460 acre area located mostly between the Long Island Expressway and South Street in Manorville, with a few additional parcels located both on the south side of South Street and on the north side of the L.I.E. Next time you're coming out for a Legislative meeting, let me encourage you to pull off at Exit 69 of the Expressway, look to your south, and you'll see that panoramic vista of farmland, that's the area that we're talking about and we're very much interested in trying to continue to protect. The Wading River •Manorville Road bisects the area.

The Town believes this area, as I said, provides the best opportunity, given its size, integrity and cohesiveness to ensure continued agricultural operations in the Town. It is our hope that the Hoshyla Farm, which is noted in the aerial photograph, will form the eastern bookend of this area, and that the Zeh Farm is embedded right in the middle of this area.

Additionally, the Hanley Farm, 90 acres in size, is in South Manor, and given its size and location, is also a priority target of the Town. It is adjacent to existing County and Town•owned open space.

The Abets Creek property, another one to get excited about, is situated on the west side of Abets Creek, and represents an increasingly rare commodity in the Town, situated on the shoreline of the Great South Bay. And due to prior open space acquisitions, this property will provide for both visual and physical access to the Bay and enhance the value of these previous purposes, so ••

P.O. CARACAPPA:

Mr. Turner, please sum up.

MR. TURNER:

Yeah, I will. So, in conclusion, the Town has identified these four priorities as high priorities. We believe you feel the same. And, again, I want to express our •• the enthusiastic support for the adoption of these four resolutions and express our appreciation for the County's involvement here.

P.O. CARACAPPA:

Thank you.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Will Stoner, followed by Maureen Dolan.

MR. STONER:

Good morning. Will Stoner, Regional Advocacy Director for the American Cancer Society.

You've heard me speak on 2081 several times, but I would like to say that the word for me today is hope. The American Cancer Society's 2015 goals are to reduce the incidents of cancer by 25%, reduce mortality by 50%, and dramatically improve the quality of life for all cancer patients and their families. And within the last four months, this Legislative body has moved on Legislative proposals, resolutions that take all three of those goals into account, and the Cancer Resource Commission was one of them that is going to move the County forward to help women who have been diagnosed with breast cancer to get the proper treatment they need in their community. You've successfully protected the Tobacco Control Program, which will have a huge impact on smoking rates in Suffolk County, and now before you today, you have a Legislative proposal to raise the tobacco purchase age to 19, and I would like to say thank you, for all of you that have already voted for it out of committee, and those of you who have signed on as cosponsors.

This Legislative proposal gives the American Cancer Society hope in that we can beat cancer and we can prevent it.

So, I thank you, and smoke-free adults of tomorrow will thank you. And as always, this County has set the pace, and I encourage you to continue doing the great work that you do to set the pace not only for the State, but also the nation. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Stoner.

LEG. FOLEY:

Thank you.

(Applause)

P.O. CARACAPPA:

Maureen Dolan, followed by Adrienne Esposito.

MS. DOLAN:

Good morning. I just want to say that Citizens Campaign for the Environment strongly supports the resolution to institute a pilot project using biodiesel fuel. Biodiesels are renewable fuel that is made mostly from soybean or used vegetable oils. It could be mixed with regular diesel fuel, significantly reducing harmful diesel exhaust pollutants. In particular, mixing diesel fuel with a 20% biodiesel fuel, or B20, reduces particulate by up to 12%. Particulate matter is known to cause many human respiratory problems, and has been identified as a cancer-causing agent.

A B20 blend reduces carbon dioxide, a leading greenhouse gas, by up to 12%. It reduces hydrocarbons, a contributing factor of smog, by up to 20%, and sulphur oxides, a major component of acid rain, by 20%. These cuts in harmful emissions mean cleaner, healthier air to Suffolk County residents and the environment.

Biodiesel fuel can be added to regular diesel fuel, and is used on regular diesel engines, meaning that Suffolk County does not have to change or retrofit their already existing fleet, making it cost effective for the County. Biodiesel fuel is one step in the right direction towards a more sustainable, cleaner, conflict-free energy independence policy. Thank you for this opportunity.

P.O. CARACAPPA:

Thank you. Adrienne Esposito, followed by, I think it's Isabel Sepulveda.

MS. ESPOSITO:

Good morning, Legislators. Adrienne Esposito, Executive Director for Citizens Campaign for the Environment. And following the theme of sustainable energy, we're here also this morning to support Legislation 1754, the LEEDs legislation.

Legislators, you've had this bill in front of you for almost two years now. As you probably are aware, it's legislation that, again, allows for a pilot program for one building in Suffolk County to follow lead LEED standards.

Most people don't think of buildings as energy consuming monsters that they are. In America, buildings account for 65% of all electrical consumption, 36% of the total energy use, and 30% of carbon dioxide use and greenhouse gas emissions in America. So, changing the way we construct buildings will have a significant impact on our energy consumption and our energy policies.

This building •• this legislation, Legislators, is not one that will put you in the forefront in American policy. It is not ground•breaking, it is not legislation that is going to break the bank. It will simply put Suffolk County in the wading pool with the dozens of other municipalities that have stepped up to the plate and done this across America.

We don't have an energy policy here in Suffolk County. We need an energy policy. We need these pilot programs, biodiesel and LEED legislation to provide us data to create one that makes sense in the future. Please, pass the LEED bill. It's been two years. Let's get one building going in Suffolk County, it just makes sense. Thank you.

P.O. CARACAPPA:

Thank you.

LEG. VILORIA•FISHER:

Thank you, Adrienne.

P.O. CARACAPPA:

Isabel Sepulveda, Sepulved. Once, twice. Bethanie Pointer. Bethanie Pointer, once, twice. Cherie Diamond.

MS. DIAMOND:

Good morning, Legislators. My name is Cherie Diamond and I'm here to urge you to support the Tobacco 19 legislation.

Three men made a decision to smoke when they were teenagers. One died of lung cancer that metastasized to his brain, he was my uncle Richard. Another died after having three heart attacks, surgery, and a heart transplant, he was my Uncle Jerry. The third still lives, albeit a much more simple life, given two heart attacks and a bad case of emphysema, he's my Uncle Joe. Had there been laws that made it difficult to obtain cigarettes back then, maybe all of my uncles would still be alive. You and I can't change the past, but we can change the future by passing legislation to help protect the 438,769 youth alive today in New York State who will die from smoking related diseases.

I am urging you to support the Tobacco 19 legislation, to increase the purchase age of cigarettes from 18 to 19 years of age.

As a health and physical education teacher in Smithtown School District, a member of the Suffolk County Health Education Initiative Advisory Board, and a lifetime resident of Suffolk County, I have worked with thousands of students, ages K through 12, who are making life decisions every day.

According to the American Cancer Society, 90% of adult smokers began smoking before they finished high school. Sixty percent of young people get their cigarettes from friends who can legally purchase tobacco. But if people can get through their teens without smoking or chewing, most people will never start.

When we raised the legal drinking age from 18 to 21, we saw dramatic decreases in alcohol use among teens and in alcohol-related driving fatalities. It makes sense that by raising the age of purchase of cigarettes from 18 to 19 years of age, we should see a drop in smoking rates among teens. Indeed, Alaska, Alabama and Utah have already increased their tobacco purchase age to 19, and data from the CDC reports that youth smoking rates in these states are dropping faster than the rest of the nation.

The health of our students is not just up to the parents or teachers. It takes a whole community to raise a healthy child. We need laws and programs that help protect our children and promote healthy living. Each day 4,000 teens try their first cigarette, and another 2,000 become regular daily smokers. One out of three of these will eventually die from smoking •related diseases. The Tobacco 19 legislation will decrease the likelihood of young students buying cigarettes from their older friends and siblings. With less access, countless numbers of students will not be smoking.

On behalf of my late uncles, my family, my school and the thousands of teachers, administrators, parents and students I work with every day, I urge you to support the Tobacco 19 legislation that increases the sale of tobacco from 18 to 19 years of age. We owe it to do everything we can to protect our youngest and most vulnerable assets, our children. I just want to thank you all for those who have supported this bill. Thank you.

P.O. CARACAPPA:

Thank you very much.

(Applause)

Vanessa Johnson. Vanessa Johnson, once, twice. Florence Johnson, once, twice. Looks like Onika Shepherd, once, twice. James McAsey. James McAsey, once, twice, sold. The Reverend Noelle Damico. The Reverend Noelle Damico, once, twice, sold. Lucius Ware. Lucius Ware, once, twice. Lisa Tyson. Lisa Tyson, once, twice.

LEG. BISHOP:

What have you done to them?

P.O. CARACAPPA:

What have I done to them? Carmen Maquilon, Maquilon, once, twice. Martha Kahn.

MS. KAHN:

Present.

P.O. CARACAPPA:

Present. All right, we have a taker. Step right up, you're the next contestant.

MS. KAHN:

Good morning. Thank you for the opportunity to appear before you today. My name is Martha Kahn. I am employed by Eastern Suffolk BOCES Student Assistance Service. Our agency is under contract with the Department of Health Services to provide the school based component of the County's Learn to be Tobacco Free Program.

One of the primary reasons BOCES was selected as the contract agency was due to our long standing involvement with Suffolk County school districts. Since 1983, the BOCES Employee Assistance Program has been providing education, intervention, assessment and referral services to school district employees and their families. The EAP currently serves 34 school districts in Nassau and Suffolk. Our Student Assistance Service was started in 1988 as a companion program to the Employee Assistance Program. The primary objective is to provide services to students at risk of developing alcohol and drug or other emotional problems. Currently, there are 24 SAS counselors placed in 15 Suffolk County school districts and two BOCES sites. As such, we are the largest prevention program in Suffolk County.

The goals of the Learn to be Tobacco Free School Health Education Program are fourfold and follow the U.S. CDC best practices, that's the Centers for Disease Control and Prevention best practices, to offer every interested school district and private school in the County a comprehensive K-12 health curriculum, to provide training to school and community agency staff in cessation and pre-cessation services to young people who use tobacco products, to assist school districts in strengthening their existing tobacco policies to be more in line with what State Health Department recommends for effective tobacco policies, and, finally, to sponsor youth empowerment activities to be resiliency in young people, which protects against the use of tobacco and other risky behaviors. We have been offering these services since May 2002, and the initiative has grown faster than we could have possibly have imagined. I'm speaking today in favor of Tobacco 19, which will greatly support these prevention and cessation efforts.

You are already aware that most smokers begin using long before their 18th birthdays, and you are also aware that most minors obtain their cigarettes from older siblings or friends who are of legal age to purchase them. And, finally, you are aware that in states where this legislation has

been enacted, teen smoking rates have declined dramatically.

Suffolk County has been a leader in tobacco control. I am proud to reside in an area that values the importance of using the master settlement money for the purpose it was intended, rather than following in the footsteps of other municipalities and states that use the funds to solve budgetary problems or fund wholly unrelated programs.

As a result of its leadership, Suffolk County's smoking rates, both adult and youth, are considerably lower than the national average. It has been through the enactment of progressive clean indoor air legislation that the norms around smoking behavior have changed. Children don't assume that smoking in public places is acceptable, whereas when we were children, it was common practice.

Tobacco 19 has the potential to move our County forward yet again in the direction of being leaders in tobacco control by publicly taking the position that this harmful product, designed for no other reason than to make profits for unconscionable businesses, does not belong in the hands of children. What could be more simple than that?

Thank you for your continued leadership in tobacco control, and for your efforts to keep our children safe and healthy.

(Applause)

P.O. CARACAPPA:

Thank you very much. Donna Hoera, Hoera.

MS. HOERA:

I'm not a public speaker. I'm sorry.

P.O. CARACAPPA:

If you could just pull that microphone down. There you go.

MS. HOERA:

Thanks.

P.O. CARACAPPA:

Thank you so much.

MS. HOERA:

I'm not a public speaker by any means. My name is Donna Hoera, and I'm here as an American, a taxpayer, and a mother. I'm also here to support Steve Levy and his plans to deputize the police in helping us get some control over the undocumented immigrants.

On February 27th, my daughter was kidnapped. She's 23 years old. She was leaving work. She was kidnapped, she was raped, brutally murdered and tortured by an illegal immigrant who worked with her. This man shouldn't have been in our country. He was not paying taxes, so he shouldn't have been employed. Our country has laws against these things, but these laws are not being utilized to the best of our benefits. Right now, there's an influx of illegal immigrants that are destroying our quality of life.

I've been trying to add a rider for the last eight months, called Vinessa's Law, named after my daughter, and it basically states that the immigrants are now overcrowding our neighborhoods, and our schools, and medical facilities, free-loading off the taxpayers and the programs developed for our less fortunate. They're draining our resources and putting nothing back in the financial pool, via their employment taxes. The employers are cheating the government out of millions and millions of dollars by not taxing these people. It's easy for them, they don't have to pay any kind of taxes to the government at all. They don't have to pay disability, or workmans comp, so •• and they're certainly not passing it on to their customers.

The illegal population increased about a half a million in the year 2000. Each year the government spends approximately 11 billion dollars to 22 billion dollars to provide welfare for immigrants. An example, from kindergarten to 12th grade, it costs about 7.4 million dollars •• billion dollars annually, and the justice system, there's a 45% increase in illegal immigrants. That's approximately, 69,300 inmates a year that are brought in for violent crimes against people.

I have a petition that we started online, with 822 signatures so far, that agree with Steve Levy and Vinessa's Law, which allows local law enforcement officers to act as homeland security, and issue violations for each illegal immigrant employed based on past violations, eventually have

the authority to take the business away if they continue the practice. These laws have been passed to defend Americans against the practice of hiring illegal immigrants, yet it's rarely enforced.

We also could give immigrants that are already here a little bit of an easier way to become legal participating people in our society and get them to the proper channels where they need to be, and help become active parts of our society, so we can support the government better, and also have a little track on who's here and who's not. Anyone who doesn't wish to participate once caught maybe needs to go back home. And that's really all I have to say.

P.O. CARACAPPA:

You said you weren't a public speaker, but you did a fantastic job.

(Applause)

We thank you for coming down, and believe me when I say you have the full and total sympathies of this entire Legislature on your loss.

MS. HOERA:

Thank you very much. Do you want a copy of the petition and the signatures?

P.O. CARACAPPA:

Sure.

MS. HOERA:

They are available.

P.O. CARACAPPA:

Just hand it to the Clerk.

MS. HOERA:

Thank you very much.

P.O. CARACAPPA:

Thank you very much. Kevin McAllister.

MR. MC ALLISTER:

Good morning. Kevin McAllister, Peconic Baykeeper. The Legislature is going to be asked today to make a determination of significance with respect to the '05 Vector Control Work Plan. We feel that there is the potential for significant environmental impact, therefore warrants a positive declaration. I'll go through a litany of some supportive information that supports our contention.

The Long Island Lobster Health Symposium recently released a study, "Effects of Pesticides in American Lobsters." Researchers determined that there is, in fact, bioaccumulation of methoprene in lobsters, crustacea, that is the material, the larvicide that is routinely sprayed directly into surface waters.

Further, one of the researchers, Dr. Michael Horst, on the team was quoted in the New York Times article, "You would have to be an absolute fool to use methoprene near coastal waters."

University of Minnesota study that showed significant reductions in macroinvertebrates in freshwater wetlands based on applications of both BTI as well as methoprene.

2000 letter from Karen Graulich, New York State DEC, to Vector Control, commenting on the '01 plan, "Methoprene products pose a high risk to invertebrate and marine estuarine invertebrates (sic). Studies of grass shrimp and mud crabs have shown methoprene as the potential to adversely impact resident invertebrate populations." This comment was never addressed to date by Vector Control with Karen's comments.

EXTOXNET, which is a collaboration of multiple universities looking at pesticides, both methoprene, resmethrin, malathion, very highly toxic to fish and invertebrates, has a potential to enter receiving waters with particulate runoff.

The University of California, Berkeley study, looking at pyrethroid applications on agricultural lands, again, in significant reductions impacts to the biota, living organisms in sediments. And although staff may say these are distinctive from Vector Control, they are, in fact, the same class, and they have the same potential for adverse impact.

Southampton College recently performed a preliminary study on looking at Suffolk County's applications of resmethrin and methoprene, seeing significant •• experimental results showed growth in survival rates. Sheepshead minnows were significantly lower at the test sites.

Moving into the ditching component of the work plan. Suffolk County's Comprehensive Management Plan, speaking about the potential impacts of stormwater runoff laden with high loads of coliform bacteria into receiving waters adversely affecting subtidal shellfish beds. Thank you for your attention.

P.O. CARACAPPA:

Thank you Mr. McAllister. Next speaker is Matthew Atkinson.

MR. ATKINSON:

Good morning. I have the studies and my comments here I'd like to submit into the record.

The question here is the issue of the potentials for significant impacts upon the environment. These studies are not designed to be proofs of this matter, but to simply raise this issue, that there may be significant adverse impacts. We're specifically concerned with the ditching of the wetlands, the application of adulticides and the larvicide methoprene. These concerns have also now been raised by four different townships in Suffolk County, as well as other environmental groups. These proposed activities are subject to the study of the Environmental Impact Statement. In that regard, Paragraph 14 of your resolution refers to significant efforts to study, and makes a determination that there will not be significant impacts from the ditching. These studies have not yet been made public. This distorts the open EIS process, and until they are revealed, to rely upon studies that are not part of the public record is inappropriate.

Paragraph 11 also lists numerous mitigation measures. These mitigation measures amount to a concession, that there is a potential for adverse significant impacts. Very recently, the Appellate Division in the Second Department has held that these extended environmental assessment forms with long Part 3's and appendices simply prove the fact more or less that study is required. This kind of process doesn't substitute for the EIS that's now going on.

I ask you to please take some time. There is no present emergency. Consider the concerns of the communities that have spoken and submitted comments to you, and see if you cannot craft a program that is not •• that can deal with the public health issues, and while at the same time

defer nuisance control of mosquitoes until such time as the EIS is complete. Thank you.

P.O. CARACAPPA:

Thank you, sir.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

That was Matthew Atkinson; correct? Yeah. Doug Dittko.

MR. DITTKO:

Thank you, everybody, for letting me speak in front of the Legislature today. My name is Doug Dittko, I live in Manorville. I'm the President of the Manorville•East Moriches Civic Association. I am a Vice President with ABCO, the Affiliated Brookhaven Civic Organization. My wife, Lorraine, and I are here today to express our support for the passage of Resolutions 2134, 2135, and 2136, which is the acquisition of development rights on the Hoshyla, Zeh and Eberhard Family Farms. The Eberhard Family Farm would probably be •• I believe it's the largest farmland preservation that would have been achieved in Brookhaven to date.

I want to thank the Legislature for their past efforts and their ongoing efforts to preserve the remaining farmland, which is presently under siege from development, especially in my area of Brookhaven, which is the southeast corner. The ironic thing is, as much as they want to develop this land and put in single•family subdivisions, if you looked at last Sunday's Newsday, there were well over 60 homes for sale in the Manorville area alone.

Recent passage of both the County and the Town of Brookhaven bond acts should help to ensure that the heritage and the rich history of our local farm and farmers continues. These sensitive parcels continue to provide income for local families, while the vistas afforded by their presence is enjoyed by everybody. Aggressive development of single•family residential homes on our remaining farmlands not only threatens our quality of life, it also continues to result in the increase in our taxes, and more and more, it makes it difficult for our children to remain Long Island residents. In the same manner that we protect our wetlands, we should continue to be vigilant in protecting our farmland.

Once again, I want to support the Legislature for their ongoing efforts to preserve these sensitive parcels, and we •• and we anticipate the successful passage of these resolutions today. Thank you very much.

LEG. VILORIA • FISHER:

Thank you, Doug.

P.O. CARACAPPA:

Thank you, Mr. Dittko.

(Applause)

LEG. FOLEY:

Mr. Chairman, I have no questions, not that we can ask them, but I just wanted to have stated for the record that both Lorraine and Doug Dittko were this past weekend honored by the Brookhaven Open Space Council for their years of environmental advocacy, and I just wanted our record to reflect that. Thank you.

P.O. CARACAPPA:

Congratulations for that honor.

MR. DITTKO:

Thank you.

P.O. CARACAPPA:

Charles Capp, followed by Morton Weber.

MR. CAPP:

Good morning. My name is Charlie Capp, I'm an Environmental Planner for the Group for the South Fork.

P.O. CARACAPPA:

Mr. Capp, just hold on. If I could just have a little bit of quiet, so the speaker •• and speak right into that microphone as well.

MR. CAPP:

Thank you very much.

P.O. CARACAPPA:

Thank you.

MR. CAPP:

Group for the South Fork is a nonprofit organization representing over 3,000 members made of residents and local businesses throughout the South Fork. Our mission is to preserve and protect the environment and rural character of the region.

I'd like to extend our thanks to Legislator Schneiderman for introducing the pesticides bill. The group supports the bill. It is an important first step in eliminating poisonous chemical pesticides from groundwater and the environment.

No special interest is ever above the health of Suffolk County residents and wildlife. Aside from the preemption issue implicated by the bill, the Group for the South Fork thinks the County Legislature is moving in the right direction by introducing this pesticides bill.

Again, thank you for taking this first step. The County Legislature should take the lead in keeping Suffolk County residents and the environment we live in safe from chemical pesticides, and it is doing so with this bill. Thank you.

P.O. CARACAPPA:

Thank you, sir. Morton Weber.

MR. WEBER:

Good morning. At the conclusion of my very brief remarks, I'm going to submit for the record an excerpt of a document.

My name is Morton Weber, and I'm the attorney. I'm a partner in Weber Law Group, and I'm the attorney for _Media Villa_. And I understand there's a resolution on today to start the proceeding of an eminent domain proceeding on this property. We are not for sale. We will

contest the eminent domain proceeding. But it starts with, in our opinion, bad science.

If we review the "whereas" provisions that are contained in this document, it's just not accurate. It talks about endangered species of owls and foxes and plants. It's just not accurate. It's not a scientific proper document, it is bad science.

Orchard Park is a mixed use development to be developed on a parcel of land on Jericho Turnpike in the Town of Huntington. It will encompass affordable housing, affordable rental units, commercial, and retail development. It's a parcel of land held by a family for many years, and this family at this time, within the confines of smart growth, is now going to develop the parcel. I respectfully submit to you that this resolution is bad science and is inaccurate. Allow me to submit my submission. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Weber. Michael O'Neil. Is Michael O'Neil here? Michael O'Neil once, twice.

AUDIENCE MEMBER:

May I speak in his place?

P.O. CARACAPPA:

No, ma'am. Next speaker is Claudia Wagner.

MS. WAGNER:

Good morning. My name is Claudia Wagner and I'm Guatemalan.

P.O. CARACAPPA:

Ms. Wagner, just pull that microphone close down to your mouth, just ••

MS. WAGNER:

Sorry.

P.O. CARACAPPA:

There you go. Thank you.

MS. WAGNER:

Sorry. As I said, my name is Claudia Wagner and I'm Guatemalan. I came to this country as a student on a student visa. I graduated from Stony Brook and proceeded to start working for an organization that is trying to •• better education for New York State kids. I work every day hard to try to improve the lives of people in New York State.

I drive around, and when I see the police I am effectively fearful. Fear has no logic, it doesn't have any logic. And it has no logic to institute measures that promote fear. Policies should have logic. Deputizing any part of government that does not have that authority, that •• an authority that effectively is pertained to the federal government, has no logic. Policy that should be instituted should be analyzed, consulted with the community and the members of the community that it affects. If I am fearful when I am here, and fearful to come to the police with any kind of concern, when I am here with every right and legally, imagine what it does to other people. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you very much. I have no other cards. Motion to close the public portion by myself.

LEG. SCHNEIDERMAN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. I see hands. Did you leave the room earlier, because I did •• I called on a whole bunch of cards. I gave you three chances to respond to the card if you were called, no one responded. I'll go through those names. Raise your hands if I say your name. Isabel Sepulveda, Bethanie Pointer, Vanessa Johnson, Florence Johnson, Onika Shepherd, James McAsey, the Reverend Noelle Damica, Lucius Ware, Lisa Tyson, and Carmen Maquilon. I gave everyone a chance to speak. You all were not in the room. You chose to go to the press conference outside instead of waiting with the other speakers here. Plus, on top of that, there is no immigration policy bill before us today, so I'm going to maintain my motion. There is a second.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

All in favor?

LEG. BISHOP:

For what?

P.O. CARACAPPA:

To close public portion.

LEG. BISHOP:

That's not fair.

P.O. CARACAPPA:

It's not fair to the people that stayed in their seats and waited to be called.

AUDIENCE MEMBER:

No, no, no. That's rude. No, very rude.

AUDIENCE MEMBER:

Not fair.

P.O. CARACAPPA:

I gave you three chances to respond to your name.

LEG. BISHOP:

Yeah, but you know what happened.

LEG. TONNA:

Roll call.

LEG. BISHOP:

Roll call.

LEG. TONNA:

Roll call.

LEG. BISHOP:

I don't think that's fair.

LEG. SCHNEIDERMAN:

They came out in the rain, Joe.

LEG. TONNA:

Do a roll call.

LEG. SCHNEIDERMAN:

Don't do a roll call.

LEG. TONNA:

Well, you can't ••

P.O. CARACAPPA:

There's been a roll call.

LEG. TONNA:

There's a roll call requested, you got to.

P.O. CARACAPPA:

Yeah, okay. Roll call on closing the public portion.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

(Not Present)

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No, you're a no.

LEG. TONNA:

You want to end the public portion?

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. TONNA:

Stay focused.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

(Not Present)

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

A lot of people came out in the rain, including me and my constituents. I would have to say no.

LEG. CARACCILOLO:

(Not Present)

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

(Not Present)

LEG. MONTANO:

Pass.

LEG. CARACCILOLO:

(Not Present)

LEG. MONTANO:

Yes. No, no.

P.O. CARACAPPA:

Rick says no.

LEG. MYSTAL:

Change mine to a no.

MR. BARTON:

Eight.

P.O. CARACAPPA:

Claudia •• oh, Claudia Wagner spoke. Isabel Sepulveda. Sepulveda.

(Applause)

MS. SEPULVEDA:

Thank you. Okay. Good morning. I'm Isabel Sepulveda, the President of Hola of Eastern Long Island. Hola is a not•for•profit community organization that helps Latinos find their way in this wonderful country. We help them to lead healthy and productive lives here, and to make contributions to our community.

I emigrated to the United States from Chile in 1991 and became a U.S. citizen early this year. There are many people better suited to discuss the legal aspect of what you are going •• of what you are proposing. I will keep my brief comments to the human side of the issue.

By proposing this change, you have caused great concern and fear in the Latino community. The greatest fear for Latinos is that they will be seen as criminals. The media result will be that both documented and undocumented Latinos will become fearful of seeking medical and police help when needed. You have put us in harms way. You are feeding and will continue to feed daily anti•Latino sentiments if you continue down this road. Please, don't add more wood to the fire.

What is your purpose? Is your purpose to deport all undocumented people in Suffolk County? If so, say so, "If you are not documented, do not come here." Then go and raid all the places

the Latinos work. It started in your own backyards, as that is where Latino workers are. They work hard. They have wives, children, husbands, and they follow the American dream of working hard to give their children a better life than they had.

The course of action you are suggesting is extremely distasteful, and, to be candid, beneath you. Our police department has enough to do just to reinforce the laws that are currently on the books. All of this is frightening the Latino community, the immigrant community in general, and will force these hard•working individuals to go farther underground instead of helping the police. The community, the Latino community will be afraid to come forward, and this will further divide the community from that police force. The end result will be to destroy all the trust that has taken years to build.

I implore you to change direction and look for a more productive route to reach your goals. Thank you for giving me the opportunity to speak.

(Applause)

D.P.O. CARPENTER:

Thank you. I know the Presiding Officer had mentioned it earlier this morning, but there are no •• there is no legislation before us on this issue. This was an initiative of the County Executive's, not the Legislature, and it is our understanding that the County Executive has abandoned it, so, just please keep that in mind as you're coming forward and addressing the body. Next speaker, Bethanie Pointer. Not here. Okay. Vanessa Johnson.

MS. JOHNSON:

Hi. My name is Vanessa Johnson. I'm from 1199 SEIU, New York's Health and Human Service Union. We have approximately 250,000 health and human service workers all over New York State. And I'm here because last week, or I think two weeks ago, our Executive Council voted unanimously to urge all withdrawal of any plan to deputize County police officers as federal immigration officials. And we're happy to hear that that seems to be about to happen. But, instead, 1199 urges you and other local politicians to take measures to protect the rights of all workers against discrimination.

We believe that enforcement efforts will be better focused against employers who routinely

violate wage and labor laws when employing immigrant workers. Such violations are detrimental to all workers, because they suppress wages and working conditions generally.

It's 1199's goal to work with elected officials, community leaders, and residents of Long Island to ensure that everyone is treated with the same respect and freedom we are accustomed to as citizens. Thank you.

(Applause)

D.P.O. CARPENTER:

Thank you, Vanessa. Florence Johnson.

MS. JOHNSON:

Good morning. I am an 1199 member. I'd like to start by first thanking you all for letting me •
• giving me an opportunity to speak. And I would like to remind everybody of what the Minister who opened the service said about American ideals of freedom, justice and equality for all people. And I'm really happy that this proposal has been moved, but I know in these trying times that things have a way of finding themselves back, especially where there's fear and bigotry supporting that fear.

So, I'd just like to remember that •• for all of us to remember that it wouldn't be well served to attack the weakest among us. Those •• almost everybody in this room is an immigrant of some sort, either their parents or their grandparents or their great•grandparents, either by choice came here to find a better life for themselves. It's the American promise to give people a better life and to make it so that people can pursue their dreams of freedom and justice and liberty, and the pursuit of happiness. It would not serve us well in any form or fashion to enforce any type of •• to put any type of laws or enforce any codes on the books that would seek to go to the heart of who we are as a nation and to disrupt that. Rather, we have laws on the book protecting •• protecting us from •• we have immigration laws on the books that we could use to protect all American workers' rights, every single one of us, if we just enforce those rules on the books.

We have unscrupulous employees who go out and hire people who they know, they know should not be working for them. They use fear to keep them in place. They use fear and bigotry to keep them from speaking out and seeking to have their rights protected. Those are

the people that we should be going after. We can use the laws that we have on the books currently to go after those folks and instead of going after the weakest among us. And I urge you not just for today, but for always to remember that.

(Applause)

D.P.O. CARPENTER:

Thank you. Next speaker, Onika Shepherd. James McAsey.

MR. MCASEY:

Hello. Good morning. My name is Jim, and I live in Huntington. I was born and raised in Huntington. I come from a long line of Huntingtonites and Long Islanders. My family has been on this Island for centuries, and I'm also an immigrant, as my tag here says. Unless anyone in this room is a Native American, this room is filled with immigrants.

So, the proposal to deputize police to have immigration powers, and the proposal that's currently on the table is an attack on us all. I also work for an organization called Jobs With Justice, a coalition here on Long Island of labor, community groups, the faith community, and student youth groups, and we come together and we figure out what we could accomplish together that we wouldn't be able to accomplish alone. So, I just wanted to say that I think that the proposal, as it stands now, has changed for the good and we appreciate that. But, however, we still feel that it's still pandering to the same group of people, same group of racists in our community. So, we would like him •• we would like the proposal to be completely withdrawn. And this is an issue that affects everyone in this community, including the esteemed Legislators. So, I just wanted to conclude by saying that no human being is illegal. Thank you very much.

D.P.O. CARPENTER:

Thank you.

(Applause)

Next speaker, the Reverend Noelle Damico, followed by Lucius Ware.

REV. DAMICO:

Good morning. Thank you for giving me the opportunity to address all of you. My name is Noelle Damico. I'm a United Church of Christ Minister, and I'm also a member of Jobs With Justice.

I had a different speech prepared, but one of the members just said that we should be reminded when addressing this panel that this is an issue for the Suffolk County Executive, and he's not here today, and there's not a particular bill on the table here. I guess what I want to say is that while, yes, that's true in a certain sense. This issue is about all of us. It affects all of us, all of us that are in this room. It's not just the Executive's issue, it's the Legislators' issues, it's all of us in this room, it's all of the people that are on the street looking for work, it's all of the people that are laboring for low wages, trying to support their families. It's our issue. It's about us as Suffolk County.

Immigrants who come here seeking work share our values. They share our values of providing for their families. They share our values of working hard and contributing to the community. They share our values in our worship and local congregations. They are our neighbors and our friends. They are not them, they are us. To broadly characterize certain members of our community here in Suffolk County as criminals, or as more likely to be criminals than others, is profoundly immoral, disrespectful, and unjust, not only that it's unwise.

If we in America in this day are truly to be a secure nation, we must be about building community and building trust, most especially with our newest members among us. Sadly, both the proposal that was withdrawn and the current proposal that is out there would do nothing more than corrode trust that many have been attempting to build. There are reasonable and important reasons that the INS's power has been separated from the power of the County government and the power of the police. It protects liberty while ensuring security. Our police have what they need. It ensures that vulnerable people can get the emergency services that they need from police or from health services as _Erma_ mentioned earlier.

All religious traditions teach that we are to welcome the stranger and the sojourner, and also to remember that we, too, were once sojourners and strangers. Today I ask us to be a better America, because Suffolk County history will judge us on how our poorest and most vulnerable members fair here. May history remember us as people who upheld democracy and liberty, who upheld justice and opportunity for all, who built community, welcome the strangers, and protect the rights of every single person in this County. Thank you.

D.P.O. CARPENTER:

Thank you.

(Applause)

Lucius Ware, followed by Lisa Tyson.

MR. WARE:

Good morning to the Legislature. It's indeed a pleasure to be with you again this morning. And, again, we have a very significant topic in front of us. Whether it has been taken off the table or not is another question.

And I'm here as the President of the Eastern Long Island NAACP, representing that organization, which covers the five eastern Towns of Riverhead, Southampton, Southold, East Hampton and Shelter Island. I also am representing the other branches of the NAACP in Suffolk County and on Long Island, the oldest civil rights organization in the country, and branches that have been in existence for numbers of years, in our case, over 50 years. We're talking about a subject that was ill•advised for the County Executive to consider, unadvised, poorly advised, or apparently not advised at all about •• in terms of the people who are most directly affected. He did not see fit to reach out to those people representing those constituencies about something that would affect many people. And, also, apparently unadvised in regards to the fact that on the East End, where I choose to call home, any great carrying out of this particular initiative would have the total economy of the East End falling on its face in rapid order, a very, very dangerous proposition in that respect, as well as many other respects.

I also represent today the Southampton Town Anti•Bias Task Force, who yesterday, again, after having communicated, and will communicate to all the members of the County Legislature, because we do not want any public funds expended to carry out those procedures that are carried out by the federal government in terms of _ice_ . Okay? We want to make that absolutely clear. That's why we continue to speak on this subject.

And also, again, from the salty, and saltier eastern part of Suffolk County, I have a letter here from the East Hampton Anti•Bias Task Force, which I will read in conclusion. The East Hampton

Anti•Bias Task Force Executive Committee, dated November 15th, 2004, held an emergency meeting this ••

D.P.O. CARPENTER:

Lucius. Lucius, if you could please sum up. But, if that was the end of your comments, perhaps you could just give it to the Clerk and she'll distribute it to each of us.

LEG. TONNA:

Sorry, sir, you only have three minutes.

MR. WARE:

Okay. Have I exhausted the time?

LEG. TONNA:

Yes.

D.P.O. CARPENTER:

Yes.

MR. WARE:

Okay.

D.P.O. CARPENTER:

I'm sorry.

MR. WARE:

I will do that, but I will make copies and get them to you.

D.P.O. CARPENTER:

But if you want to •• if you had any other comments to sum up, but this way we can at least read the letter.

MR. WARE:

Okay. In summary, we are vigorously opposed in many, many spheres throughout Eastern Long Island to this type of legislation and this type of procedure, and we will remain that way.

Thank you.

D.P.O. CARPENTER:

Thank you very much.

(Applause)

Lisa Tyson, followed by Carmen Maquilon.

MS. TYSON:

Good morning. My name is Lisa Tyson. I'm Director of the Long Island Progressive Coalition. And my grandparents fled Russia and Poland, fled from Hitler, and, amazingly, they made it to America. People who have fled and made it to America here, just like my grandparents, did not have the authority possibly to come into the country, but we were allowed, and we were allowed to flourish, we were allowed to live safely. And it's quite important for people who come here to feel safe.

My family, when they came here, didn't feel safe at first, and it took them many years to feel comfortable. We expect for people who come to this country to feel comfortable and safe. We are America. We're the place that everyone dreams of. We're the ones that people are leaving their families. I mean, I don't think people really understand it, so much of being American, and so many people, so many families break up and have divorces, and, you know, the father might leave and not pay child support. What people have done to come to this country, have left their families to get food on their table, because their families are starving. I don't think that we can really understand the burden and that responsibility, because so many of us haven't had that. And for those people, those same people to come here to Suffolk County, and to have both the County Executive and the County Legislature propose things that might not have passed, but proposed things, saying that you are not equal, you are not safe when you come to this society, is totally wrong. And we expect a lot more of this Legislature, we expect a lot more of the County Executive.

In the future, we are really expecting for both the Legislature and the County Executive to have positive things, that •• where they sit down with the communities that they're talking about and work it out. What will make sense? What are the problems, what are the solutions, how do we get them to do them together. Because having these proposals one by one, like, thrown at

people is only inciting more fear, and there is a process. We see this process working with every other issue, that's why I don't understand here, whether there's environmental issues, other •• I mean, every issue that we're involved as the Progressive Coalition, transportation, education, government sits down with community groups. We didn't see this here, and we expect this in the future to be different, and for this issue to be treated a lot differently within this Legislative body and the County Executive.

We will support the immigrant community in feeling safe, in having the rights that they deserve, but we expect you, as Legislators, to do the same, and we expect the County Executive. And every time that we feel that you're not doing it, we're going to stand up right here and we're going to have as many people come down to talk to you as well, because this cannot continue to happen. Things cannot be thrown out just one by one.

So, thank you for letting us speak. And we really hope the next time it's going to be a positive thing, that we're going to come here and say thank you, and we really appreciate that. And this thing works, and we're going to work with you to make it a better situation.

D.P.O. CARPENTER:

Thank you, Lisa. Last speaker ••

(Applause)

Last speaker, Carmen Maquilon. I apologize if I mispronounced it.

MS. MAQUILON:

Good morning. My name is Carmen Maquilon. I am the Director of Catholic Charities Immigrant Services.

On June 21st of this year, my office was approached by Homeland Security Immigration and Enforcement, and also by the Anti•Trafficking Unit of the Department of Justice. The reason was because about 60 individuals were being held in a motel here in Suffolk County. You see, immigration had just rescued them from a very, very bad situation in which they had been living for about three years here in this County, Amityville, Brentwood and Coram. These individuals represented 60 victims of human trafficking. For the past three or four years, these individuals were being forced to live in the most inhumane conditions and work to pay United

States citizens and legal permanent residents.

And the reason why Department of Justice called us was because the victims refused to trust the authorities. For the past three years, they were led to believe that the only thing that they will gain by reporting the crime was that the police was going to call the Immigration Service and have them deported. So, it took a very brave family, in the middle of the night escaping and reporting the crime, not to the police, but to Catholic Charities. So, perception is everything.

To this day, these victims continue to come to our office when they read the articles of what is going on in Suffolk County. Whenever they have a worry, whenever they have to report someone, it is funny, they call Homeland Security before they would approach the police.

So, I will beg you, please, to remember that perception is everything, and let's not, let's not allow these to be repeated again. Sixty families in this County have been suffering and have lived for the past three or four years in the most inhumane conditions because of the perception that the police is only here to report them to the Immigration and have them deported. Let's give a different message to the community, to the immigrant grant community as a whole, that the police is here to protect their rights and to protect the safety of the community. Thank you.

(Applause)

D.P.O. CARPENTER:

Thank you very much. That much concludes the public portion. There are no other cards.

LEG. VILORIA • FISHER:

Motion to close the public portion.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Will all Legislators, please, return to the horseshoe.

LEG. FOLEY:

Madam Chair, are we going to the agenda?

LEG. ALDEN:

No, not yet.

LEG. FOLEY:

Oh.

P.O. CARACAPPA:

We'll go to the agenda in just a moment. The Presiding Officer is returning to the horseshoe and I'm going to wait for him to get here.

LEG. ALDEN:

Can we have a 20 minute recess?

D.P.O. CARPENTER:

Well, actually, I think what we'll do is maybe we will just have a brief five•minute recess until 11:15 and let everyone have the opportunity to come back to the horseshoe. So, we will reconvene at 11:15.

LEG. ALDEN:

Or thereabouts.

[THE MEETING WAS RECESSED AT 11:10 A.M. AND RESUMED AT 11:16 A.M.]

P.O. CARACAPPA:

Roll call, please.

(Roll Called by Ms. Sullivan, Chief Deputy Clerk)

LEG. CARACCILO:

Here.

LEG. SCHNEIDERMAN:

(Not Present).

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not Present).

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

MR. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present).

LEG. MYSTAL:

(Not Present)

LEG. BINDER:

Here.

LEG. TONNA:

I'm here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MS. BURKHARDT:

Legislator Bishop is here.

LEG. MYSTAL:

Here.

MS. SULLIVAN:

16. (Not Present at Roll Call: Legislators Schneiderman and Fisher)

P.O. CARACAPPA:

Motion to approve the Consent Calendar by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions? Legislator Foley.

LEG. FOLEY:

Yeah, thank you, Mr. Chairman. I'd like to make a motion to take out of order Resolution 2081.

P.O. CARACAPPA:

Motion to take Resolution 2081 out of order, seconded by Legislator Binder. All in favor?

Opposed? Abstentions?

LEG. FOLEY:

If I may, Mr. Chairman.

P.O. CARACAPPA:

2081 is now before us. This is the 19, the 19 bill. There's a motion to approve by Legislator Foley, second by Legislator Alden. On the motion?

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I'd like to be added ••

P.O. CARACAPPA:

Just before you go ••

LEG. ALDEN:

Just to be added as a cosponsor.

LEG. LOSQUADRO:

Mr. Clerk, cosponsor please.

LEG. SCHNEIDERMAN:

Mr. Clerk, cosponsor.

P.O. CARACAPPA:

There is a series of cosponsors. The Legislature will join Legislator Foley on this piece of legislation as cosponsors. Legislator Foley.

LEG. FOLEY:

Yes, Mr. Chairman. I'd like to thank my colleagues for this unanimous cosponsorship and unanimous support for this legislation. It's in keeping with the best traditions of our Legislature where over a period of years we have been in the vanguard of public health initiatives in order to save lives in Suffolk County.

Today's legislation is not legislation just of my own, but is now part of the legislation of all of my colleagues here in the Legislature where we're saying in one voice that we care for the children of our County, that we care for our high school age students, that we want to help them to withstand the onslaught of the "Merchants of Death", who are spending close to half a billions dollars a year in marketing tobacco products here in New York State.

Today we are making a stand. We are the first municipality in the State of New York that is raising the age of tobacco purchases to 19. And it's our hope and expectation, just as we've done in the past, that we will be the guiding light for other municipalities to follow our light in order to improve the public health, to extend lives and to save lives, so that future generations will not be able to have deaths, and not have men and women who will become addicted to this product in their teenage years, die prematurely in their adult years.

So, I want to thank all my colleagues. This has been long and difficult road. Any time you tackle tobacco issues, it's among the most difficult of public policy issues. But today, by having this unanimous support, and also cosponsorship, I can't tell you how thrilled I am to do that •• to have that support, how thrilled the advocates are that we have this support, because years past, it was a much more difficult road. But we're making headway, we're showing that this is the right approach to take in saving lives and extending lives, and I want to thank my colleagues, and to show also, if I might say, Mr. Chairman, to other levels of government, not higher levels of government, but other levels of government, that a bipartisan approach can work, does work, and we're putting forward not partisan considerations, but we're putting forward is the good of all who reside in our County.

So, I want to thank the leadership of the Republicans, as well as the Democrats, that we've come together on this legislation, because we know that it will work and we know that it will save lives, and, again, it's in the best tradition of this Legislature. Thank you.

P.O. CARACAPPA:

On behalf of your colleagues, Legislator Foley, we thank you for those words. Legislator Tonna.

LEG. TONNA:

I can't add to those words, obviously, so I will just say only one other thing, is we'd hope that Nassau County understands that you can work in a bipartisan fashion when it comes to people's health. And, you know, and I would just send a message out to Nassau County, please, do the same thing that we're doing in Suffolk County, so that we can, from a public health standpoint, we can go this together, it's a much more effective bill. Thank you.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Yeah, just a question of Counsel. What is the •• local government in New York State, what is our authority to regulate tobacco sales?

What does it flow from, just so I understand.

MS. KNAPP:

Our authority is somewhat limited. However, in this area of Tobacco 19, there does seem to be some room. There is a 1999 Brooklyn Law Review article that was an exhaustive treatment of localities' ability, particularly to raise the age for tobacco, that concluded that with the words, I believe, the future was bright for local legislation in this area. There's also one Court of Appeals case that _indicta_ talked about the localities' ability to raise the age. So, there is some authority.

LEG. BISHOP:

We could raise the rate •• the age, but we can't ban altogether, is that the ••

LEG. FOLEY:

That didn't work a hundred years ago.

LEG. BISHOP:

Not that that's on the table, I just want to •• I'm just trying to understand what the •• I don't

have a clear grasp of how this emerges.

MS. KNAPP:

Again, I didn't •• I didn't focus my research on a total ban. However, in looking at just the limited issue of raising the age, there was some law, and it looks as though we can do it. I mean, I think that ••

LEG. BISHOP:

All right. I'll ••

LEG. FOLEY:

The State Health Department says we can do it. There's no preemption, to use your attorney's phrase ••

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

•• there's no preemption issues here. Let me just state unequivocally for the record, there's no preemption issues here. The State Health Department has opined on this, that there is no preemption, number one, and number two, they're supportive of this effort. So, we are fully within the authority granted to us through the County Charter and State Constitution that we can raise the age of purchase of tobacco products.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

This, again, is for counsel, you know, following, piggy•backing, on Bishop's idea. If we can ban it, if we can raise •• if we can raise the age, what would happen if we raise the age to 75 years old?

MS. BURKHARDT:

That would help you.

(Applause)

LEG. MYSTAL:

Thank you, Linda.

P.O. CARACAPPA:

Now you know why she's my Chief of Staff. Counsel?

MS. KNAPP:

Again, I would have to go back to my comment to Legislator Bishop. I have not researched a total ban. However, if you raise the age to something like 75, I think a court would say that that was, in effect, a total ban, so that I would have to go and look at the issue of whether we could ban tobacco sales completely, because, clearly, there is a significant legal difference between raising the age just to 19 ••

LEG. NOWICK:

I'll sponsor that.

MS. KNAPP:

•• and raising the age to 75.

LEG. MYSTAL:

We're looking right now at following the idea between, what is that, with the wiggle room or wriggle room, whichever one, you know, you want to use, according to William Sapphire, looking for wiggle room in terms of the age limit. You know, if you go •• if you go 19 in the next year, you know, and let's say Legislator Cooper come up with an idea to raise it to 35, you know, or ••

LEG. COOPER:

Me? Why me?

LEG. MYSTAL:

Well, you're the •• you're the "Banning Legislator", we call you the "Banning Legislator", you know. So, I'm just saying, could you research that a little bit to see, you know, if we were to

raise it? I'm being facetious when I say 75, but let's say we were to raise it to something like 35 or 40, you know, kind of thing.

MS. KNAPP:

I do think that, you know, certainly, there's a line somewhere, but once you cross that line, whether it's 21 or somewhere else ••

LEG. BISHOP:

Where?

LEG. MYSTAL:

Yeah, where is that line?

MS. KNAPP:

Once you cross that line, you're not •• you're not regulating it for the reasons of trying to keep it out of the high schools and some of the other very good reasons that this Legislature heard in deciding this issue, but you are, in effect, trying to ban tobacco, and I think what I need to do is find that line, perhaps.

LEG. MYSTAL:

Okay. Thank you.

P.O. CARACAPPA:

I think the discussion about what our future intentions are going to be are just that, future discussions, so the bill before us is Legislator Foley's. There is a motion and a second. I'd like to ask for a roll call, so that it sends a clear signal to the public and to other levels of government how much we've come together on this, this thought.

LEG. FOLEY:

Thank you, Mr. Chairman.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Absolutely.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Affirmative.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18.

LEG. COOPER:

Henry, change my vote to absolutely.

P.O. CARACAPPA:

Congratulations, Legislator Foley.

LEG. FOLEY:

Thank you again. And thank you to the advocates who are here in the audience, particularly the American Cancer Society. Thank you.

P.O. CARACAPPA:

Page 9, Ladies and Gentlemen, Resolutions Tabled. **1039 (Establishing Commission to Study Alternative Form of County Government)** has been withdrawn.

1086 (A Charter Law to create the Real Estate Acquisition Anti-Corruption Reform Act). Motion to table by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1313 (Accepting and appropriating excess revenues received from Hotel/Motel Tax). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1592 (Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the owner of 110 Sand Company (HU •1040). Is there a motion?

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Alden.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Seconded by Legislator Mystal. All in favor?

LEG. BINDER:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Binder. Abstentions?

MR. BARTON:

17.

LEG. BISHOP:

Can I make a suggestion?

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Rather than continue to table them at the full Legislature without any movement, because they're being tabled almost in protest, because we want to have some sort of rationale and plan on what we're going to do with the remaining excess sewer capacity. Maybe these should be sent back to committee and have the Public Works Committee take up the issue of what we're going to do with the Southwest Sewer District capacity.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you, Mr. Chairman. Legislator Bishop, I have suggested to several of my colleagues on the Republican side from the Southwest Sewer District areas that they work together with you, Legislator Mystal, and others who represent Babylon and Islip, predominantly in the Southwest Sewer District, and come together with a plan, a master plan, if you will, on how to use that excess capacity. I understand from the Chair of Public Works that there •• what was the number, Peter, fifty•seven hundred parcels?

LEG. O'LEARY:

Fifty•nine hundred.

LEG. CARACCILO:

Fifty•nine hundred parcels that DPW has set aside for future, you know, capacity, residential capacity. So I think that should be the first priority, but then where you go from there is really something that collectively I believe the five of you can work on and come back to the Legislature with.

P.O. CARACAPPA:

You're supporting the motion to send to committee?

LEG. CARACCILO:

Send it do committee, yes.

LEG. LINDSAY:

Make a motion to recommit.

P.O. CARACAPPA:

Just a second. On that •• okay. There's a motion to recommit to the Public Works Committee Resolution 1592. On the motion to recommit, Legislator Alden, then Binder.

LEG. ALDEN:

I'm in the process of doing exactly what Legislator Caracciolo has suggested, but also to develop a policy for the Legislature. So, if •• to use up any excess capacity, and there might not be excess capacity, but if we find excess capacity, then we would go for economic reasons and we would put some kind of criteria on how we're going to go out of the district and hook up. And we also have to address Legislator Mystal's, and it's not a proposal, it's a quandary and it's a question, should individuals that were excluded from the original Southwest Sewer District, but they're individual residences, should they be part of the Southwest Sewer District? So, we're going to have to develop, and should actually come, and I think through the Department of Public Works and our Public Works Committee, I think that's a good starting point. So, I would support sending any of these that would suggest a hookup to the Southwest Sewer District back to the Public Works Committee.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Mr. Chairman, thank you. I'm concerned because this is an old song we keep, you know, putting on the record players, got a lot of scratches and skips. Every time we want to increase the ability to hook up, which increases economic development, which means jobs, which means economic vitality, we hear that we're going to have a new plan.

Now, I understand, Legislator Alden, and he might be working on a plan, and I think that's great, but, literally, I've been here 15 years, and for 15 years I've heard about the plan and the plan's coming and we're going to have a plan. You know, the plan that might be worked out, or at least to present it to us, might not even be acceptable. So, again, so then we might go around with the plan, go back and forth, and all the while we're going to halt economic activity that this brings.

And so, I think it's a mistake to send it back to committee, and I just •• and I've said this a lot of times, this is not new, and so Legislator Alden and I have been on the other side •• opposite sides of this issue for a very long time. I think we need to hook up, and these are positive economic hookups. We should do it, we should do the two that we have in front of us today, we shouldn't send them to committee. And then, if there's a plan, and I understand that, if there's a plan and it comes before us, then bring the plan, and we've passed it, then we'll act under the plan.

My problem is you can't keep saying it's coming and it doesn't •• doesn't. You've got to have the •• if you're •• if we're in such a rush to have a plan, the plan could have been here five years ago, because we've been talking about it for more than the five years. We could have had it, we haven't had it, so why should we put this off? I think we should go forward with these. And who's ever interested in putting together a specific plan should bring that to us, and the quicker they give us a plan that not only •• not only the quicker they bring us a plan, the quicker they bring us one that we can all adopt, buy into, agree with, and go forward on, then the quicker we're going to have this plan in place, and all those who come after will have to abide by those plans. But the ones we have before us today never heard about a plan, they never heard about a new way to do it, because we're going to do it a different way. They asked

for this and we're going through this process because they are under the impression that we have this particular way of doing it now. We should continue to do this. When we see the plan, then we should •• then we should start talking about doing it differently.

So, I would hope that we're not going to send it to committee. I would like to •• I'd like to pass this today, I'd like to pass the Ruland Road one at the •• at the bottom of the sheet •• of the sheet on the agenda. I'd like to go forward with these, and I hope we can, and then when we see the plan, then we'll have a new way. Thanks.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

Thank you, Presiding Officer. First of all, I think, you know, we •• when we refer to the Southwest Sewer District, we start by saying excess capacity, which is a misnomer, because we are not talking about excess, we're talking about what we're limited capacity right now, what we have left from the total tonnage that we have in the sewer district.

Number two thing, I really call into question the validity of the idea that we bring economic development. The perfect example that I know is to use particular place which raised a lot of raucous back in 1988, which was proposed by the then County Executive, Pat Halpin, to give sewer hookup to a restaurant, which was called Sitar, on 110, which is now called Gossips, which is a strip joint. So, basically what we have •• some of us ••

LEG. TONNA:

Rob, do you want to go on the record?

LEG. MYSTAL:

No. But the problem is we give this hookup to further the economic development, too often we find out the job that they bring are maybe one or two jobs, maybe one or two service jobs, and we hook up these businesses with the promises that they're going to have economic vitality, and the Sitar Restaurant perfect example of it, you know. It was supposed to be a restaurant, it was going to be •• it lasted a year•and•a•half in business, and a year•and•a•half later, it became Gossips, you know. And I don't know if that •• we're talking about economic

development. The other one was, you know, Kentucky Fried Chicken. How much economic development we have with KFC?

So, I think, you know, we need to be very, very careful in hooking up businesses into the sewer district under the guise that it's promoting job vitality and promoting economic development. We need to look at it and we need to put them •• I would like to have a moratorium myself on the whole thing until we have a comprehensive plan. Thank you.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yeah. Just a few things. Last Legislative meeting we had, we raised this issue, I think Legislator Alden raised this issue, we had some discussion, and at that time, I requested that the Department of Public Works, because this is as much a health issue as it is a Public Works issue, that they made a full presentation in front of the Health Committee. And I know Legislator Vilorio•Fisher, Legislator Schneiderman, Legislator Losquadro, Montano, I think Legislator Mystal, and Legislator Nowick and I had a pretty good education from the Public Works Department about really what Legislator Alden is saying, it's a •• it is a crisis situation.

I agree with Legislator Binder, though, for at least for the 12 years, I know he's been here a little longer, but for at least the 12, 11 years that I've in this Legislature, we've heard about how much of a problem it is and what we need to do something. In a certain sense, I think this is actually healthy that we're coming to a closure of gallonage. You know, we just don't have that much more left. And in a certain sense, I know we've asked the Public Works Department to talk a little about some of the options and put some numbers to them.

I know that the •• I know, because I've spoken with representatives of County Executive Steve Levy, that this is on the forefront of their planning and their mind about doing something about extra gallonage capacity at either the Southwest Sewer District, or doing something with Nassau, a regionalization idea, or something like that. So, I think, maybe in January, I'd make a suggestion to Presiding Officer Caracappa, I have all confidence that you will be reelected, but that maybe an ad hoc committee, I know Presiding Officer Hackeling did that when we did some stuff with the sewer district, I know Legislator Alden, Legislator Rizzo, myself, I think Legislator Carpenter shared •• worked on that committee, and we were able to work out some problems

then.

But I would agree with Legislator Binder, this is not the time to shut off economic development, although I think we might add an extra criteria to be a little more sensitive to some of the concerns that other Legislators brought up. I don't know if Kentucky Fried Chicken would rate very high on an economic development issue. I don't know if •• to tell you quite honestly, I have no idea if the 110 Sand Company would rate high. And so maybe, as we •• as an interim measure, as we're looking for an opportunity to see what we're going to do with the sewer districts, maybe what we need to do is ask the Public Works Department to enter in some type of economic development, a temporary rating for how it would rate from an economic development standpoint. I know every Legislator here, you know, does everything they can to foster economic development for the County and in their district, but maybe we need to do something like that, so that a little triage might help, so that we avoid my consistent position, which is hook up everything outside the district, and maybe some Southwest Sewer District Legislators' consistent position, hook up nothing right now, because we have a capacity problems, and maybe we could find some middle ground while we're dealing with this really pressing issue that's going to take a few years to resolve.

LEG. BISHOP:

If there's a list, I'd like to go on it.

P.O. CARACAPPA:

There is a list. Legislator Alden, and then you, Legislator Bishop.

LEG. ALDEN:

I just feel it's my responsibility to respond to a couple of things that Legislator Binder said, and also Legislator Tonna said. To put it in a historic perspective, when the Southwest Sewer District was contemplated, it was to protect the Great South Bay, and the last time I looked, Huntington doesn't butt up against the Great South Bay. So, logically, they were excluded from the planning steps, and they were excluded from the scoping steps, and that's how they came up with the Bergen Point and the Southwest Sewer District. It was not contemplated ever that for economic development any other part of Suffolk County would be hooked up into the Southwest Sewer District, it was strictly to preserve streams, water bodies, and especially the Great South Bay because of the proximity of "X" number of houses, residential, and some

commercial or commerce that directly discharged into the Great South Bay and some of the streams, canals, and things like that connecting to it. So, when we go outside of that area and we hook up people, we're actually operating in contradiction to what the original intent was. And I go back to that again.

And when you start talking about what the people in the Southwest Sewer District actually had to endure, and the taxes, the tax burden, the whole thing of having your street dug up with a 20 and sometimes a 40-foot or a 50-foot trench going past your business, or things like that, and you had to endure that for a number of years, three, four, five years. So, there was a loss of economic activity, there was a hardship, everybody's street was torn up, everybody's sidewalks were torn up.

And then there's another thing. On your tax bill for the past 30 or 40 years, if you lived in the Southwest Sewer District, you have paid for Bergen Point and you have paid for that sewer district, and you actually have overpaid, and that's a •• I'm not •• I'm not just guessing at something like that, because people were arrested for it, they were indicted, and there's some people who served time in jail for some of the scandals, but people had to suffer and people had to pay for that. People outside of the Southwest Sewer District did none of that, and now, at the last minute, they're coming on and they're tacking on, and they're making an argument. And what I'm saying is I'll be open to that argument and I'll be open to discuss it, but it is not part of the original planning steps, it was not part of the original deal for the Southwest Sewer District. So, the opposite really should be right now. The criteria really should be, does it protect the Great South Bay, does it protect any water body that is flowing into the Great South Bay, and that should be the only thing that gets hooked up at this point. If somebody wants to come up with a plan to change that, I'm willing to listen to it, and I'm actually going to act on that and get the debate going a little bit more on what the criteria should be. So, I would suggest, all of them, send them back to committee, then we'll develop our criteria.

P.O. CARACAPPA:

Thank you. Legislator Bishop, then O'Leary.

LEG. BISHOP:

Those are well made points by Legislator Alden, but I'd like to take the debate further forward from the origin of the Southwest Sewer District to the last decade and the Legislature's role.

There has been a number of times where the Legislature has been asked to pause and plan. Legislator Postal had a number of resolutions, my colleagues in the Southwest Sewer District often cosponsored them. They were rejected by the Legislature, and always we were assured that there was plenty of capacity in the Southwest Sewer District, and that there was no need to do a pause and a plan, and we could continue doing it on a piecemeal basis and on the rationale that we needed to support economic development in the County. Now we're running out of capacity rapidly. We have important development projects that are critical to the future of this County, for example, the one at ••

LEG. MYSTAL:

Pilgrim.

LEG. BISHOP:

Pilgrim, which would provide thousands of units of affordable housing, something that this Legislature is on record and supporting, and, of course, probably tens of thousands of jobs over the period of its construction, yet we still don't have a plan. So, I think, at some point, we really need to bite the bullet and force the issue, and force the administration as •• to do what the previous administration failed to do, which is to come up with a rationale and a methodology for going forward. And if we need to look at alternatives to the Southwest, whether it's partnering with Nassau County, whether it's expanding the district boundaries and creating a new sewer plan to whether it's •• whatever it is. There are many options, but without a plan, we're going to continue to do this piecemeal, and that's going to result in the least efficient and effective policy. So, please, let's table this one and any other similar resolution, send it back to committee, and force the issue into a •• into a logical conclusion.

P.O. CARACAPPA:

Thank you, Legislator Bishop. Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. I just wanted to speak to the capacity question with respect to Southwest. Commissioner Charles Bartha, the Commissioner of Public Works, was at our most recent Public Works Committee meeting after his appearance at the Health Committee, and he pretty much repeated the same report that he gave to Health. He did speak to the issue of capacity, and I just want to, for the record, place on the record his statements regarding the

capacity issue at the Bergen Point Treatment Center. The capacity there, the limited capacity is 30 million gallons per day. He indicated to us that fifty•nine hundred residential parcels have been set aside within the district, the capacity of approximately 1.8 million gallons per day. With the pending projects that are currently in place before the Sewer Agency, if all of those projects were approved, the majority I might •• I might add are outside the Southwest Sewer District, if all of those projects were approved, the 30 million gallon per day capacity will be reached.

He indicated that it's •• at some point in time, we're going to have to consider expanding that if we •• if we're to move forward with respect to any additional projects within the district itself. But the estimated cost for that expansion is about 30 million dollars.

One of the things I wanted to point out to my colleagues is that there are several residential parcels within the Southwest Sewer District, fifty•nine hundred have been identified that have not been hooked up. I think some priority should be given to those residential parcels with respect to hooking up within the Southwest Sewer District before we even go beyond or outside the district in the future.

One of the things we do have to concern ourselves with, of course, are the pending projects that have been conceptual, a certification given through the sewer agency.

So, if it's the intent of this body to send these resolutions back to the Public Works Committee, clearly, I find that the intent is to develop a plan, if you will, for the future use within the Southwest Sewer District, as well as those pending projects outside, and any possible expansion that's necessary. Thank you.

P.O. CARACAPPA:

There's a motion and a second to recommit.

MR. BARTON:

Correct.

P.O. CARACAPPA:

All in favor?

LEG. BINDER:

Opposed.

P.O. CARACAPPA:

Opposed?

LEG. TONNA:

I'm opposed.

P.O. CARACAPPA:

Opposed, Legislator Tonna, Legislator Binder.

LEG. COOPER:

Opposed.

P.O. CARACAPPA:

Legislator Cooper. And I'll abstain.

LEG. NOWICK:

Opposed.

P.O. CARACAPPA:

Another opposition, Legislator Nowick.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

It's sent back to committee. ***1625, 25A (Amending the 2004 Capital Budget and Program and appropriating funds through the issuance of serial bonds for improvements to Suffolk County Sewer District No. 3 • Southwest (CP 8170).***

LEG. O'LEARY:

Motion to approve, with an explanation to my colleagues.

P.O. CARACAPPA:

Okay. There's a motion to approve. Is there a second?

LEG. ALDEN:

Second.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. Legislator O'Leary.

LEG. O'LEARY:

Yeah. This is not a connection, per se, this is improvements to the existing Southwest Sewer District that are improvements that are necessary right within the terminal itself. So, as indicated in the resolution, this would be the issuance of serial bonds for improvements to the Southwest •• Suffolk County Sewer District Number 3. That's at the Bergen Point.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

To the •• through the Chair, to the Chair of the Public Works Committee. One of the reasons why I asked to have it tabled last time was to explore the possibility of them just going through the money that's in •• I believe it's the 477 Account? Am I using the wrong account? Jim Spero.

P.O. CARACAPPA:

Sewer Stabilization?

LEG. ALDEN:

Sewer Stabilization Account, would that be appropriate to fund 1625?

MR. SPERO:

Yeah, it could be used for that purpose. If bonds are issued, then any overage in the sewer charges for any given year would be stabilized from the •• you know, the Assessment Stabilization Reserve Fund.

LEG. ALDEN:

And that's one of the reasons why I asked to have it tabled, because, if it goes through as proposed here, it adds to our indebtedness in the County, whereas if it actually is an internal type of borrowing, it doesn't really and wouldn't affect our credit. And I believe that we get it a little cheaper through the Sewer Stabilization, is that ••

MR. SPERO:

It would be an internal financing.

P.O. CARACAPPA:

Right.

MR. SPERO:

The funds have to be repaid to the Assessment Stabilization Reserve Fund at prevailing rates. So, in theory, the cost to the district would be the same, but the money would be retained in the County coffers and not go to the bondholders.

LEG. ALDEN:

I would ask to just withdraw my second, and make a tabling motion for one more cycle. Let me call ••

P.O. CARACAPPA:

County Executive?

LEG. ALDEN:

Yeah, I'm going to call the County Executive and see if he'll change the resolution and do it through an internal borrowing, if that's okay with ••

LEG. O'LEARY:

The Chair of Public Works?

LEG. ALDEN:

Chair of Public Works, yes.

LEG. O'LEARY:

Okay. For the one cycle?

LEG. ALDEN:

Yes.

P.O. CARACAPPA:

Motion to table by Legislator Alden, second by Legislator O'Leary. All in favor? Opposed? Abstentions? 1625 is tabled.

MR. BARTON:

18.

P.O. CARACAPPA:

1754 (To institute a pilot project utilizing Leadership in Energy and Environmental Design (LEED)). Motion by Legislator Vilorio•Fisher, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1830 (A Local Law to impose fines on unlicensed ferry service operators). Motion by Legislator Carpenter.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Seconded by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1930 (Amending the 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and program Pay•As•You•Go funds in connection with the purchase and installation of a flashing yellow traffic signal at the intersection of Montauk Highway and Waterworks Road in Patchogue (CP 5054.571) and for planting trees and shrubs at various locations (CP 5902.410). Motion by Legislator Foley.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Seconded by Legislator O'Leary. This is not a bond, this is a three•quarter vote, though. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

You got the green light on that, Brian. 1935 (Authorizing acquisition of land under the 1/4% Drinking Water Protection Program, Section 12•5(E) (land known as Bluepoints Company property•uplands, Town of Islip). Motion •• withdrawn ••

LEG. LINDSAY:

Table.

P.O. CARACAPPA:

Oh, motion to table by Legislator Lindsay, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1963 (Authorizing executio of agreement by the Administrative Head of Suffolk County Sewer District No. 3 •Southwest with the Sanctuary at Ruland Road (HU 1323).

LEG. BISHOP:

Send to committee.

P.O. CARACAPPA:

Motion to commit •• to recommit to the Public Works Committee.

LEG. ALDEN:

Second.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Legislator Binder, Tonna, Cooper, Nowick, and myself as an abstention.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

I'd like to just deviate from the agenda and do the warrants, if we could. They're in a packet before you. Okay.

LEG. BISHOP:

The final chart, the taxation?

P.O. CARACAPPA:

The Melvin? Melvin should be attached, I would assume. I have a few questions, if we can start. Budget Review or the Clerk, field this one any way you want.

We're about to vote a little bit later on a bill to deal with the payment of pension costs, retirement costs, because of the County Comptroller changing his mind repeatedly over the last couple of months •• yeah, the state Comptroller, I might add. I'm going to get a call from Sawicki. The State Comptroller now allowing us to do it sooner than later, which is a good thing to a certain degree, because we'll be saving a •• we'll be saving a million dollars when it's all said and done. The problem, though, is that the warrants before us now would essentially be erroneous. Would •• is that a •• is that a true statement?

MR. SPERO:

Yeah. By paying their retirement bill in '04, it changes the '04 fund balances and would •• and, theoretically, would change the '05 tax levy, because the appropriations that are contained in the '05 budget would be excess appropriations, although we will have double-funded the retirement expense, and that's not reflected in the tax numbers. And the •• so, by paying the bill this year, it changes the numbers that would be contained in the warrant from what we had adopted back on November 4th.

P.O. CARACAPPA:

Though, the Melvin chart, and what those people are doing on the Melvin, is it's just the break •out of taxes per township, and the overall assessment, if you will, for the County portion, it's attached to the bills. What else, what other differences come into play if we approve these warrants as is to the taxpayer?

MR. BARTON:

From my understanding of the documents that I and my staff prepared for presentation to the Legislature today, the budget is not before you, you've already worked on the budget. What's before you is the tax warrant, which is the authority for the Receivers of the ten towns to collect the taxes based on the actions that have been taken.

P.O. CARACAPPA:

But the numbers in this are borne out of our budget process.

MR. BARTON:

Correct. And, obviously, every time the Legislature addresses the operation of government, the budget is a changing document that evolves from day to day, and you do a housekeeping resolution at the end of the year that hopefully will address that issue. Clearly, there are issues that you are aware of as lawmakers that will affect the 2004 Operating Budget and the 2005 Operating Budget. The documents that we've prepared are based on the actions that you've taken since September 17th, when the County Executive presented you his recommended budget. What takes place later in today's meeting, at a subsequent meeting, early next year, during the balance of next year, I can't anticipate. These are the level of taxes that you've already approved with the actions that you've taken, and this gives the Receivers the authority to go out and collect those funds.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. Just to follow up on your inquiry to Mr. Spero, I think the essence of the Presiding Officer's question, Jim, is if, in fact, the Legislature later today takes up what is I think going to be a Certificate of Necessity by the County Executive to pay pension cost or contributions, will there be an adverse impact to taxpayers with respect to the tax warrant that's being adopted now?

MR. SPERO:

The total amount of taxes that will be collected will be the same, it's just how it's shown on the warrants.

LEG. CARACCIOLO:

Exactly.

MR. SPERO:

Because ••

LEG. CARACCILOLO:

So, in other words, his question was, will the Melvin, will the town•by•town breakdown be affected positively or negatively?

MR. SPERO:

It will be essentially the same. It's just how •• because of our arcane requirements in the County Charter, we have to show the prior year fund balances specifically delineated in the resolutions.

LEG. CARACCILOLO:

So, what we have before us in terms of tax, slight tax increases and slight tax decreases in the ten towns will not be affected by that action.

MR. SPERO:

No, it's just a timing difference between the two fiscal years ••'04 and '05.

LEG. CARACCILOLO:

Thank you.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Jim, I'd just like to ask another question as far as how we discussed this with making this decision today regarding the pension funding and going forward with that. What would that do to the requirement or the provision in the '05 budget, then, that did address the pension funding, is that •• that money that had been identified, is that now ••

MR. SPERO:

That funding is still in place. And if we were adopting the budget today, instead of a month ago, what we would have done is increase the '04 estimated costs and reduced the '05 appropriations. Right now, what we're doing is we're going to increase the '04 estimated cost, we don't have a mechanism to reduce the '05 appropriations. Legislator Binder is putting on a

late•starter today, which will rescind the '05 appropriations, which that resolution can be adopted early next year, but we can't take that action today.

LEG. KENNEDY:

Thank you.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Just to make sure, whether or not we pass this legislation in the afternoon, this afternoon, these tax warrants are still appropriate, we can still use them, there's not going to ••

MR. SPERO:

In total, yes, they're appropriate.

LEG. NOWICK:

Okay. Because I would say that as soon as we can pass these, we should. We're already six days late, according to State Law, because it's doable on December 1st. And I know for a fact that a few of the Tax Receivers, although they shouldn't, they have already printed up their bills. God forbid they have to reprint them, it's going to cost a fortune. So, I would say, as soon as we can, let's get it done.

LEG. ALDEN:

Time limits are meaningless in New York State.

LEG. NOWICK:

Well, for us in the County, the sooner we get the bills out, the sooner we get the money.

P.O. CARACAPPA:

Okay. Legislator Caracciolo.

LEG. CARACCILOLO:

Just one final point of Jim. Could Mr. Spero, Table •• not Table 1, but your cover letter to the attachment of Table 1, I want to draw your attention •• do you have it, Jim?

MR. LIPP:

Yes.

LEG. CARACCILO:

To the fourth bullet on that page. Could you just put on the record that, as you state here, there's an overall 7.7% increase in the tax warrant, it's not in County taxes, that's in the tax warrant; 6.1% is attributed to school district tax increases, one half of 1% to the County, one half of 1% to the towns, one•third of 1% to fire districts, and one•third of 1% due to erroneous assessments; is that correct, Jim?

MR. SPERO:

Yes, it is.

LEG. CARACCILO:

Thank you.

MR. SPERO:

That's the total warrant.

LEG. CARACCILO:

All right.

MR. SPERO:

Which should be adopted today.

LEG. CARACCCIOLO:

So, I always like to bring that out, because next year, when County Legislators are up for re•election, someone who doesn't understand these documents will mischaracterize or misread the information contained here in, and it's clear that, yes, there's a 7.7% increase in the tax warrant, but as is usually the case, school districts are predominantly responsible, school district property taxes, for that increase, and this year it's, out of the 7.7, 6.1% of the total increase.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Every year you make that point very clear to everyone in attendance. It's appreciated. We'll move on to the warrants. ***2260, levying unpaid water rents.*** Motion? Motion by Legislator Losquadro.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2261 (Implementing budget, staff, and taxes for the Fiscal Year 2005 (Mandated)).

LEG. NOWICK:

Motion.

P.O. CARACAPPA:

Motion by Legislator Nowick, second by Legislator Lindsay. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

P.O. CARACAPPA:

Abstentions? One opposition, Legislator Caracciolo.

MR. BARTON:

17.

P.O. CARACAPPA:

2262 (Implementing budget, staff, and taxes for the Fiscal Year 2005 (Discretionary)). Motion by myself, second by Legislator Carpenter. All in favor? Opposed?

Abstentions? One opposition, Legislator Caracciolo.

MR. BARTON:

17.

P.O. CARACAPPA:

2263 (Authorizing that the Tax Warrants for Fiscal Year 2004 be signed by the Presiding Officer and the Clerk of the County Legislature and that they be annexed to the tax rolls for the collection of taxes). Same motion, same second, same vote.

MR. BARTON:

17.

P.O. CARACAPPA:

Thank you very much. Going back to the agenda.

LEG. FOLEY:

Mr. Chairman before we go back to the agenda ••

P.O. CARACAPPA:

I recognize Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Those of us who were part of a working group putting together the budget, we had at our last meeting, but I think we should again, is thank the Budget Review Office for the great work that they •• and professionalism that they apply every year to the task of analyzing and recommending changes to the annual Operating Budget. So, again, on behalf of our caucus and the whole Legislature, through the Chairman, I'd like to thank •• we'd like to thank BRO for continuing their excellence in analyzing the budgets and giving us the benefit of their professional •• professionalism on the matter. So, thank you, James. And, please, extend our congratulations to your whole staff.

MR. SPERO:

Thank you very much.

P.O. CARACAPPA:

On top of that, as it relates to the warrants and the levy, the Clerk's Office does all the work, paperwork in that regard, and Mike Martin and the rest of the staff did an excellent job and we always appreciate it. Henry, thank you.

MR. BARTON:

Thank you.

BUDGET AND FINANCE

P.O. CARACAPPA:

Page 10, Budget and Finance. 1995 *(To readjust, compromise, and grant refunds and charge •backs on real property correction of errors by: County Legislature (Control #725 •2004)).*

LEG. LINDSAY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Lindsay.

LEG. NOWICK:

Second.

P.O. CARACAPPA:

Second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2062 *(To readjust, compromise, and grant refunds and charge •backs on real property correction of errors/ County Treasurer by: County Legislature #198).* Same motion,

same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2063 *(To readjust, compromise, and grant refunds and charge •backs on real property correction of errors/County Treasurer by: County Legislature #199)*. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2064 *(To readjust, compromise, and grant refunds and charge •backs on real property correction of errors by: County Legislature (Control #726•2004))*. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2106 *(To readjust, compromise, and grant refunds and charge •backs on real property correction of errors by: County Legislature (Control #727•2004))*. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2119, 19A • Appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program (CP 7177). Motion by myself, seconds by Legislator Losquadro. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yeah.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2133 (Authorizing the County Comptroller and County Treasurer to close certain capital projects and transfer funds). Motion by ••

LEG. FOLEY:

Motion to table for one round, Mr. Chairman.

P.O. CARACAPPA:

Motion to table by Legislator Foley.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2141 (Authorizing the County Comptroller and the County Treasurer to amend the 2004 Operating Budget and transferring funds to secure New York State Article 6 State Aid for the Department of Health Services). Is there a motion? Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2142 (Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2004 Adopted Mandated Budget). Motion by myself.

LEG. CARACCIOLO:

On the motion.

P.O. CARACAPPA:

Second by •• on the •• wait, let me get the motion finished. Motion by myself, second by Legislator Foley. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. Mr. Spero, could you just explain the essence of this resolution?

MR. SPERO:

This will give the Treasurer the authority to cover certain unanticipated costs that could occur during •• before the end of year, allowing him to transfer the cash between the operating, various operating funds to cover that, those expenses, i.e., the retirement costs, which will be paid ••

LEG. CARACCILOLO:

And in doing so ••

MR. SPERO:

•• for this year.

LEG. CARACCILOLO:

•• will that have any positive or negative impact on the tax warrant?

MR. SPERO:

No, it will not change the tax warrant ••

LEG. CARACCILOLO:

Or the tax levy.

MR. SPERO:

•• it would be a cash issue.

LEG. CARACCILOLO:

Nor the tax levy.

MR. SPERO:

No, it will not change the tax levy.

LEG. CARACCILOLO:

So, taxpayers will not feel any negative affect from this action?

MR. SPERO:

No. This merely gives the Treasurer the authority to move funds as required.

LEG. CARACCILO:

Thank you.

P.O. CARACAPPA:

Thank you. There's a motion and second. All in favor? Opposed? Abstention? 2142 is approved.

MR. BARTON:

18.

P.O. CARACAPPA:

2145 (Requiring accurate reporting of Water Quality Protection and Restoration Program funds). Motion by Legislator Alden.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2165 (Apportioning mortgage tax by: County Treasurer). Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2166 (Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2004 Adopted Discretionary Budget). Motion by Legislator Carpenter, seconded by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2167 (A resolution authorizing the issuance of not exceeding [\$19,900,982] \$67,395,758 budget notes of the County of Suffolk, New York, to effectuate the transfer of funds to cover projected retirement costs, for which insufficient appropriations were made in the annual budget of said County for the current fiscal year). Is the current bill before us proper, I ask the County Executive's representative, or is the CN coming over in modified language?

MR. KNAPPE:

It is my understanding that the resolution that was amended last week and went in front of the Budget and Finance Committee is the resolution that we're requesting the Legislature to address.

P.O. CARACAPPA:

This is the one?

MR. KNAPPE:

That's correct.

P.O. CARACAPPA:

Motion •• there's a motion and a second?

LEG. CARACCIOLO:

On the motion.

MR. BARTON:

Not yet.

P.O. CARACAPPA:

Oh, there's •• okay. Motion by myself, second by Legislator Bishop. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Spero, in line with my previous line of questioning on budget warrants and so forth, does 2167 positively or negative affect the tax warrant or levy?

MR. SPERO:

It will have no impact.

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

Moving on. There's a motion and a second. All in favor? Opposed? Abstention ••

MR. BARTON:

18.

P.O. CARACAPPA:

2168 (Authorizing the County Comptroller and the County Treasurer to transfer funds to cover expenses related to debt service cost). Motion by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. CARACAPPA:

Economic Development, Higher Education and Energy.

LEG. SCHNEIDERMAN:

Motion.

LEG. FOLEY:

Second the motion.

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

(1991 • Approving the appointment of Mitchell Kriegman as a member of the Suffolk County Motion Picture/Television Film Commission). Motion by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2037 (Approving the appointment of Clare Bisceglia to the Suffolk County Motion Picture/Television Film Commission). Motion by Legislator Schneiderman. All in favor? Opposed? Abstentions?

UNDERSHERIFF SULLIVAN:

And who's seconding that?

P.O. CARACAPPA:

Motion •• second was Legislator O'Leary.

MR. BARTON:

18.

P.O. CARACAPPA:

2095 (To provide oversight of the activities of the Long Island Convention and Visitors Bureau). Motion by Legislator Carpenter.

[Second Said in Unison by Legislators]

Second by Legislator •• I heard this side first.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

Legislator Foley. On the motion, Legislator Bishop.

LEG. BISHOP:

I don't serve on this committee, so if Counsel can provide a brief description of the various resolutions that are out there. Aren't there like •• it seems like there's a half a dozen resolutions.

LEG. ALDEN:

Only one of mine.

LEG. BISHOP:

That may be, but I just want to understand what is the range of remedies for the problem of the Long Island Convention Bureau?

MS. KNAPP:

Again, there are a number, as you say. There are •• I believe there are three proposals by Legislator Schneiderman, at least one by •• there's one by Legislator Caracciolo, and ••

LEG. BISHOP:

And there's this one.

MS. KNAPP:

And Legislator Carpenter.

LEG. BISHOP:

So, that's five.

MS. KNAPP:

That's it?

LEG. BISHOP:

No. What are they ••

P.O. CARACAPPA:

That's five.

MS. KNAPP:

This is one that the industry spoke in favor of at the •• at the committee meeting. This one requires that the Commissioner of Economic Development come to the Legislature on a semiannual basis in June and December to report on the effectiveness of the efforts of the LICVB or any successor agency with respect to the agency's success in increasing sales tax revenues and tourism, using verifiable statistics, is the language of it. Basically, it's a report by the County department.

LEG. BISHOP:

And we have an indication that the County department was reluctant to do this? I mean, why do we need legislation on this? They have been in the past? What's the story?

LEG. CARPENTER:

If I may respond. Actually, the Commissioner of Economic Development had come before the committee and suggested that this might be something, you know, he certainly would be willing to do and supportive of.

LEG. BISHOP:

Right.

D.P.O. CARPENTER:

And I thought that it should be memorialized, so that if there should be a change in that position or in tourism agencies that have been designated, that it just memorializes it for the

future.

LEG. BISHOP:

Okay. And then •• I'm sorry, Counsel. Just what are the other ones that are out there, just so I can have someone understanding them?

MS. KNAPP:

I don't believe any of the others are before you today. The others are local laws, all three of them are local laws, and they have a variety of, I would call it a menu ••

LEG. BISHOP:

They have to do with how they spend the money, new rules on how they ••

MS. KNAPP:

New rules on how they spend the money. The composition of the Board is one of them; developing, right, regional approaches, oversight that would require dual signatures, require specific auditing requirements. There are sort of a range of ••

LEG. BISHOP:

Right. Okay. Just an observation, it would have •• I think sometimes, when you have issues like this, it's sometimes best for the committee to try to come up with one bill that merges all of this, but I guess that couldn't be accomplished in this case, and so this is fine. I appreciate it. Thank you.

P.O. CARACAPPA:

Well, the other bills are finished with the committee cycle, they're all a public hearing.

LEG. BISHOP:

Right.

LEG. SCHNEIDERMAN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

As many of you are aware, the Ethics Committee is ruling •• apparently, they have vote in •• they have voted on the issue of whether I could participate and vote on this issue. I'm awaiting that in writing. So, I expected it by today. Hopefully, we'll have it later today. So, again, I will not be able to participate in this vote today, but I hope to at future votes. So, I formally recuse myself. Again, I have a minority ownership interest in a small motel in Montauk.

P.O. CARACAPPA:

Duly noted. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

LEG. TONNA:

On ••

P.O. CARACAPPA:

I'm sorry.

MR. BARTON:

One abstention.

P.O. CARACAPPA:

Did he call a vote? Legislator Tonna, you're okay?

LEG. TONNA:

No, it's okay.

P.O. CARACAPPA:

Okay. Call the vote.

MR. BARTON:

17, 1 abstention.

P.O. CARACAPPA:

2096 (Appointing Richard W. Kruse as a member of the Suffolk County Industrial Development Agency (IDA)). Motion by Legislator Binder, second by myself. On the motion, Legislator Bishop.

LEG. BISHOP:

I'm the one who came up with Bishop's Law, which is when there's nothing to debate, there will be something to fill the time, so now I'm fulfilling my own law.

LEG. BINDER:

Thank you, Dave.

LEG. BISHOP:

IDA appointments, though, I have a question on. Again, I'm not on this committee. One of the issues with the IDA is that, obviously, it's an important body and it represents benefit •• the potential to pass on benefits that are quite significant to developers and business owners. And one of the policies that the Legislature has advocated is that the IDA respect prevailing wage and living wage policies. And it's important, therefore, that nominees to the Board be asked those questions. Was that done in committee. Do we know, are they •• is this nominee committed to those policies? I know he has a very good high tech background, which I appreciate and I think is swell.

P.O. CARACAPPA:

Committee Chair? Lynne?

LEG. NOWICK:

I do not remember those questions being asked in committee. Legislator Binder, I know that this is your appointee. Have you spoken to him at all about this?

LEG. BINDER:

No.

P.O. CARACAPPA:

Did he come to committee?

LEG. NOWICK:

Yes, he did. He was at the committee, yes.

LEG. VILORIA • FISHER:

What was the question?

LEG. BISHOP:

Well, the question was about the •• asking about the enforcement of living wage and prevailing wage, both of which we can't legislate from here. The only time we can influence it is on the appointments to the board, as I understand it. So, if •• I always feel it's important that if we have nominees and we want those policies pursued, that we need to engage the discussion at the time of the nomination.

LEG. ALDEN:

On that point.

P.O. CARACAPPA:

Are you done, Legislator Bishop? Legislator Alden.

LEG. ALDEN:

Just on that point, just to add to it, we actually can fund some programs over in the District Attorney's Office that would •• as far as the enforcement arm of it for prevailing wage, that's kind of the action that we can take.

LEG. BISHOP:

No, this is ••

LEG. ALDEN:

We did take that a few years ago.

LEG. BISHOP:

I appreciate that answer. I'll yield to Legislator Lindsay, I think, if he wants something to say.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah.

LEG. BISHOP:

I wanted to point something out.

LEG. LINDSAY:

The Suffolk County IDA takes the position that •• and it's a •• and it's a position that almost all IDA's throughout the state take, that they don't have to pay prevailing wage, and they don't •• in any of their projects, prevailing wage is not part of it.

LEG. BISHOP:

Right, and that's a bad position. I think that a majority of the Legislature •• excuse me. I believe a majority of the Legislature agrees, that that's a poor position, and if we want to see that changed, we need to •• again, we need to discuss it with nominees as it comes forward. I would just ask, therefore, to table this one cycle, so that we can have this discussion with this nominee at the full Legislature. I'm sure he'll pass at that time. I just feel that we need to impress upon the nominee that this is an important issue for us.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Yeah. I would hope that we wouldn't table this. We don't have someone something in committee, to hold someone up because we're •• you know, we can keep coming up with questions afterwards. It is something I don't think is a good thing when we have a strong nominee. The committee strongly, I think, supported him. I've talked to my colleagues and they think he's a strong nominee. He has a deep background with putting together LISTNET and other groups that have connected people, that have helped the economy of Long Island grow, specifically Suffolk County. And when you have a strong nominee like this, I think you should move on it, and I would hope we'll move on this today, and I'd urge my colleagues not

to table this.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

Thank you.

LEG. VILORIA • FISHER:

Put me on the list, please.

D.P.O. CARPENTER:

On the motion. I would have to agree with Legislator Binder. The candidate did come before the committee, and I cannot remember specifically if this particular issue was addressed to him. However, he was very impressive and brings a lot to the table, and my sense is that he would be very supportive of any of the policies that this Legislative body puts forward. He was most anxious to get involved in trying to market us as a place to do business and a place to expand businesses. As Legislator Binder said, he was the •• one of the founding members of LISTNET, is now involved in Execuleaders, and really has a very good handle on the business community and those that would likely want to set their businesses up here in Suffolk County. So, again, I would say, especially based on the fact that we made it clear to him that it was not necessary for him to be before the Legislature today, that we should move forward with this.

P.O. CARACAPPA:

Legislator Viloria•Fisher, then Binder.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. I have to apologize and plead ignorance. When we were at the •• in our committee, questioning the candidate, I was also impressed with his enthusiasm and knowledge and his background, and it did not occur to me to ask these questions, because I didn't know that there was an issue with the IDA having •• members of the IDA having a position regarding wages, and living wages, and prevailing wage. I wish that I had known that this was an issue that we should be addressing. Now that we see that as an issue, and knowing that Suffolk County is one of the least affordable places for people to live, and that we must try to find a

way for people, for workers to have a living wage here, and make a commitment to promote a living wage, and certainly the prevailing wage throughout Suffolk County. Tabling this and Kruse to come forward and have a discussion with us I don't believe to be an unreasonable request, particularly in the light of the fact that we are going to be having another meeting within the month, and it certainly isn't holding up the work of the IDA. I thank Legislator Bishop for illuminating this issue. I just didn't know that it was a question to ask.

P.O. CARACAPPA:

Legislator Binder, then Lindsay.

LEG. BINDER:

Thank you. Just maybe two more points. I do know on the question of affordable housing that Mr. Kruse has been involved and strongly supports that, but maybe more importantly, the Legislator who has such a strong and burning question and would like to impose a litmus test on an IDA applicant I think could have shown up at the committee, or could have sent someone there to ask the question, or could have made sure that this was •• this was done. I mean, it's not a secret that we're having interviews for people, and it's not •• wasn't a secret when we filed the bill. So, it would seem to me that if the Legislator had that as, as I say, a burning litmus test issue, he could have either been there himself to ask the question, or made sure that the question was asked at committee. I would strongly urge my colleagues not to table this today.

P.O. CARACAPPA:

He's not married to someone in Brookhaven.

LEG. BINDER:

No, he's not even married to a Brookhaven Town Attorney.

LEG. TONNA:

I just •• Joe?

LEG. BISHOP:

That would be problematic.

P.O. CARACAPPA:

Legislator Lindsay, and then Tonna.

LEG. LINDSAY:

Yeah. I don't know Mr. Kruse, I do know LISTNET, and I know they're a very good organization in •• as far as promoting technology in our community. However, and I wish that I had thought of this in advance, Legislator Bishop is absolutely right, the only way that we can effect that wage policy is through the appointees, we can't mandate that that policy be carried over into IDA funding. And I wish we had known this before, I would have been happy to attend, and apologize for that, but I don't see the harm of holding it up for two weeks to see if we can elicit this from this applicant, that he would support this policy.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yeah. I like litmus tests. I mean, you know, we should have litmus tests. We shouldn't be afraid of litmus tests when we appoint somebody or pick somebody. We do it on issues that we think are important. I mean, you know, it's not a pejorative term. The only thing is, and I'd hate to agree with Legislator Binder, when you're running a Legislature, you know, as much as it kills me, when ••

LEG. BINDER:

Two times today.

LEG. TONNA:

And I make ••

LEG. BINDER:

Two times, three, you're doing a hat trick. I don't know.

LEG. TONNA:

I make a commitment it will be the last.

LEG. BINDER:

I'll turn myself out if you do it again.

LEG. TONNA:

But the fact is, is that the way •• you know, the way that the Legislature works is you have committees, and people who think that that's an important issue, you know, you have a bipartisan committee, people •• you know, if it's a partisan issue, which this is not, you know, somebody should have thought about asking the question, it's a good question. Maybe in the future, the chairmen of those committees will ask those questions, or we'll have Legislators attend or ask their aides to attend to make sure that another Legislator will ask, so we can have them on the record. I think it's unfortunate, and I wouldn't have thought of it, but I think Legislator Bishop is right, but, you know, that's what you have a committee process for. So, it got out of commit, you know, it •• obviously, it was somebody who is •• people were very impressed with, and I would suggest that Legislator Bishop have a sit down with the gentleman and make the argument of why it's so important to deal with issues of living wage and prevailing wage.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Yeah, we have a •• we do have committee process to ask questions of applicants, especially to important positions like this, and we have a tabling process where if the committee process fails, we have an opportunity to correct it, and that's what I'm asking us to do today. I think that the policy that we want to pursue, which is to ensure that the beneficiaries of County largesse pass along a portion of those benefits to the workers in this County is far, far more important ••

LEG. TONNA:

All right.

LEG. BISHOP:

•• than the schedule. And to say, "Oh, well, we missed it, you weren't there, you missed your opportunity, and that's what's most important," is foolish. And we ought to value the workers a lot more than to simply say that we've got to keep on a schedule, and that's why we ought to

table this.

P.O. CARACAPPA:

Anyone else?

LEG. TONNA:

All right, you convinced me.

P.O. CARACAPPA:

Wow, you're good, Dave. Anyone else? Brilliant. Okay. Anyone else?

LEG. VILORIA • FISHER:

And so illuminating.

P.O. CARACAPPA:

Did I hear a motion to ••

LEG. BISHOP:

Do I have a second on my tabling?

LEG. TONNA:

Second.

P.O. CARACAPPA:

Okay. There was a ••

LEG. VILORIA • FISHER:

I'll second.

P.O. CARACAPPA:

There was a motion to table by Legislator Bishop, I think the second came from ••

LEG. CARACCILO:

Roll call.

P.O. CARACAPPA:

•• Legislator Viloría•Fisher. Roll call on the tabling.

LEG. TONNA:

Just one meeting.

LEG. BISHOP:

Just one meeting.

LEG. TONNA:

And, Bishop, you'd better get your questions asked.

MR. BARTON:

On the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. VILORIA•FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

One meeting, yes.

LEG. LOSQUADRO:

No to table.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILO:

Negative.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No to table.

LEG. CARACCILO:

Motion to approve.

MR. BARTON:

Eight.

P.O. CARACAPPA:

There's a motion and a second already to approve?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Roll call.

LEG. VILORIA • FISHER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

I just wanted to put on the record that I will be abstaining, because I do want to have an opportunity to speak with Mr. Kruse. But I can't vote against him, because I was impressed with him at the committee meeting, but I would like to discuss these questions with him.

P.O. CARACAPPA:

I just have a question. Anyone answer, if you could. When was the last time we did an IDA appointment?

LEG. BISHOP:

A long time ago.

P.O. CARACAPPA:

Was it a long time ago?

LEG. TONNA:

Yeah, that's why we forgot, right? Sure, Dave. Go ahead, tell him that, Dave.

P.O. CARACAPPA:

Was this question asked to him?

LEG. BISHOP:

Yeah. Well, we put in Mr. Kennedy's father as a nominee. It was a whole •• right? Didn't we have a bill filed and then there was the usual dance.

P.O. CARACAPPA:

Just curious to see if this was •• if this is a •• if this is a new debate, you know.

LEG. TONNA:

I would say, you know what ••

LEG. VILORIA • FISHER:

Well, Mr. Chair, it was just something ••

P.O. CARACAPPA:

Hold on, hold on, one at a time.

P.O. CARACAPPA:

•• that I didn't know was a question.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yeah. I'm going to vote for him, because I believe that the committee worked through a

process, and he's very impressive and stuff. And I would just ask maybe through the Chair, Presiding Officer, maybe just ask him or tell him, when he's being appointed, or whatever else, maybe your office can communicate that this is something very important to us, or at least to a number of Legislators, and either we would like to meet with him. I mean, I've never met with an IDA. Once you vote on these guys, you never see them or talk to them again. Maybe we could do something like that and just make that point and we'll call it a day.

P.O. CARACAPPA:

Well, first thing I'll do is pull •• I'll pull the minutes from this conversation and I'll send them to him, so he sees exactly what every Legislator is saying, and then I'll reach out to him personally and invite him to come here and ask questions, even though it will be subsequent to the vote. I think it's important nonetheless that at least these questions are asked to him and that everyone is at least satisfied on this area.

LEG. TONNA:

Right.

P.O. CARACAPPA:

And just let me also say that, you know, my vote not to table certainly is no indication that I don't support prevailing wage, and I think that ••

LEG. TONNA:

Right, exactly, everybody ••

P.O. CARACAPPA:

•• that holds true for everyone that voted to oppose the tabling. This Legislature, most of us, 99% of us almost all the time have a very strong record in supporting prevailing wage and labor. So, there may have been some indication that we're not supporting but not tabling, but that simply isn't true. Legislator Nowick.

LEG. NOWICK:

Just on the point that Legislator Tonna made, if you wanted, I could certainly invite members of the IDA into the Economic Development meeting, and I'll send out a notice, and I would hope everybody would come, if everybody's interested in talking to them.

LEG. TONNA:

Just even talking, yeah. I think that ••

LEG. NOWICK:

Okay?

LEG. MYSTAL:

That's a good idea.

LEG. TONNA:

I think that would be a very nice press precedent to set, that ••

LEG. NOWICK:

Okay.

LEG. TONNA:

•• members who we appoint, on whatever boards, you know, that when things come up, that we have some type of round table discussion, or something with them about •• about the •• you know, what we think is important and listen, also to listen to them, see what they're saying.

LEG. NOWICK:

Okay. I will invite them in and I will let everybody know, and, hopefully, everyone will be there.

P.O. CARACAPPA:

Even better.

LEG. NOWICK:

Okay.

P.O. CARACAPPA:

Thanks, Lynne.

LEG. LINDSAY:

Joe.

D.P.O. CARPENTER:

If I could ••

P.O. CARACAPPA:

Legislator Nowick. Legislator Carpenter, then Lindsay.

D.P.O. CARPENTER:

I just want to make a comment. I think that what Legislator Tonna said about bringing these people back, it really just doesn't go for the IDA, but any of the appointments that we make, we sometimes put them through torture in grilling them. And these are volunteers who are not getting paid, and then they go off and do important business for the County, and then it's like they're totally ignored. That goes for Park Trustees, the Vanderbilt Museum Board of Trustees, the College Trustees. I mean, these people give an inordinate amount of service to this County and we sometimes do neglect to appreciate them.

P.O. CARACAPPA:

Okay. There's a motion to approve and a second. All in favor? Opposed? Abstentions?

LEG. VILORIA•FISHER:

Abstain.

P.O. CARACAPPA:

Legislator Viloria•Fisher.

MR. BARTON:

17, 1 abstention.

P.O. CARACAPPA:

Thank you.

LEG. BISHOP:

He's coming, you're bringing him, right?

P.O. CARACAPPA:

Yes, he'll be invited to Economic Development Committee.

LEG. LINDSAY:

Bring him to the Christmas Party.

P.O. CARACAPPA:

What did you say, Legislator, bring him to a Christmas party? Okay. ***2097 (Appointing William Sanok as a member of the Suffolk County Vocational, Education, and Extension Board)***. Motion by Legislator Caracciolo.

LEG. CARACCIOLO:

Motion to approve.

P.O. CARACAPPA:

Second by Legislator O'Leary.

LEG. BINDER:

Do we ask him about prevailing wage?

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

EPA. ***(1865 • Designating site for Suffolk County Community Greenways Fund Educational and Interpretive Center)***. Motion by Legislator Alden.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor?

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BINDER:

Do we need prevailing wage on this thing?

LEG. BISHOP:

At committee, we •• I indicated that •• this is about the Interpretive Center, and, as you may know, we have four minutes. The Greenways bond referendum that was passed back in 1998, I believe, included 2 million dollars for an Interpretive Center, and since that time, now it's six years later, we have been unable to come up with a site. Legislator Alden is simply designating a site in his area as the site for the Interpretive Center in order to force the issue, because I cannot believe that it takes six years to come up with a designation. I supported this, but we told •• I told the Planning Director who was there that they need to have some sort of answer by Tuesday. It's now Tuesday. I guess Mr. Zwirn has something to say, I'd love to hear it.

P.O. CARACAPPA:

Mr. Zwirn.

MR. ZWIRN:

Thank you. The County Executive has no problem with this particular site. In fact, it might be the best site that you could find.

LEG. BISHOP:

Good.

MR. ZWIRN:

But he just wants to remind everybody that there's only 2 million dollars in the bill to do the Interpretive Center and that's what they can spend on it. It may not be able to renovate the entire Scully Mansion that's there, but it should be enough for the Interpretive Center.

LEG. CARACCILOLO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

And just to expand on that a little bit, that's not my intention. If the report comes back that the 2 million dollars and the Interpretive Center fits into the Scully Mansion, that's fine. If we have to build a separate building with classrooms, that's fine, too, but, you know, I'm willing to work with, you know, the County Executive and the DPW and the Parks Department to do the appropriate thing. Thank you.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

Yes. The 1998 Greenways resolution or Charter amendment that was approved by the voters that appropriated 62 million dollars for open space, farmland and groundwater protection, along with 2 million dollars for the Interpretive Center, indicated, and this resolution takes note, that an Interpretive Center shall be on parkland, County parkland. I just want to confirm that the Scully property conservatory is on County parkland. Counsel or the sponsor.

LEG. ALDEN:

I can answer in part. It hasn't been turned over to the Parks Department yet, because there was a •• I think it's an ongoing cleanup, that he had to take out the oil tank and there was a gas tank, and some of those things. So, it will be turned over to the Parks Department I think fairly soon.

LEG. CARACCILO:

Okay. The other aspect I'd like to address, which Legislator Bishop made reference to, is that the Interpretive Center is also •• the language in the 1998 bond act made reference to an educational Interpretive Center to be constructed under Section 12•A of the County Charter with exhibit space, classrooms, and auditorium, and a gift shop to foster the public's understanding and appreciation of Suffolk County's unique natural environment. I don't think there is anything that excludes to this location in providing an exhibit area and an opportunity for young and old alike to be involved in that type of an activity.

There had been the notion, I think, Dave, what stalled this from ever taking place prior to today, that it had to be somewhere in the eastern half of the County. That's simply was never a requirement. Neither you, or I, or Nora, when we sponsored Greenways, made that stipulation. I'm happy to see that we're moving forward. I'd like to cosponsor this resolution.

But, Mr. Zwirn, before you leave, my question, next question relates to the appropriation. Since the 2 million dollars is now in play, it seems to me, and I know when we purchased Scully, that it was in need of substantial renovations, upgrades, to make it handicapped accessible, and so forth. What is the price tag necessary to bring this facility up to standard?

MR. ZWIRN:

I don't think the final price tag has been established for the Scully •• the big property on the Scully •• but the only thing the County Executive wanted to point out was that there's 2 million dollars worth of work that can be done in the Interpretive Center in this particular •• in the ••

LEG. CARACCILO:

Does he feel that 2 million will be sufficient to carry out the ••

MR. ZWIRN:

We don't •• we don't know, but whatever 2 million dollars will buy, we presume it will be able to do •• meet the mandate of the referendum.

LEG. CARACCILO:

Okay. I would like ••

MR. ZWIRN:

It may not be able to renovate the entire Scully property.

LEG. CARACCILO:

I would like to suggest that perhaps the County Executive put together a committee, and I know Legislator Bishop and I would like to serve on it to oversee the implementation of this resolution to make sure that on a priority order basis, that the intent of the '98 Greenways Program is carried out and that we first and foremost have an Interpretive Center in place before we do a gift shop and other things that 2 million dollars may not be able to take care of.

MR. ZWIRN:

Okay.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

In answer to that, I've almost done that. I've asked people from Department of Parks, DPW and the County Executive's Office to sit down before we make a decision whether 2 million dollars will or won't renovate the mansion, or will or won't be able to even build a separate building. We want to scope all those projects out. So, if you want to •• if you want to join in that work group, I'll keep you •• I'll keep you ••

LEG. CARACCILO:

I appreciate that. Do you recall, Mr. Alden, what the price tag was when we discussed Scully and appropriated the acquisition monies for the renovations, because we needed electrical, we needed plumbing, it was extensive.

LEG. ALDEN:

There was •• I guess there was •• you call them two different or three different scope plans. One of them was in the million dollar range, one of them was a couple of hundred thousand dollars. But, as you get deeper into the project, if you're going to use the upper floors, then •• and you're going to use those as offices, some of those costs decrease. If you're going to use the bottom floors for public access, some of those costs increase. So, that's why you'd have to

scope and look at each one of these layouts, each one of these projects to see what's appropriate and what would fit with the 2 million dollars. The 2 million dollars might not be used on the mansion, it might be just to construct and put in place some exhibits for a separate building for classrooms and an Interpretive Center. So, that's why the working group is going to look at all of those options.

LEG. CARACCILOLO:

Okay. So, what you're saying is that the 2 million dollars may also be used for outdoor exhibits or accessory buildings.

LEG. ALDEN:

If we went on virgin property, it would have been used to build a building right from scratch, and also to acquire exhibits and put the exhibits in that building. So, that might be an option just on the Scully Property to actually build a separate building apart from the •• from the mansion.

LEG. CARACCILOLO:

Yeah. I look forward to hearing from you on that. Thank you.

P.O. CARACAPPA:

Thank you.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. BISHOP:

We're in overtime.

LEG. VILORIA•FISHER:

Legislator Alden, was this the Scully Property that had been left in a will to the Audubon Society? Was ••

LEG. ALDEN:

Yes.

LEG. VILORIA • FISHER:

This is that piece of property?

LEG. ALDEN:

Yes. Unfortunately, they didn't restrict it in the ••

LEG. VILORIA • FISHER:

Right.

LEG. ALDEN:

In the deed.

LEG. VILORIA • FISHER:

Okay. But wasn't there a group, an educational group that wanted to do some work in the mansion? What happened with that program?

LEG. ALDEN:

Seatuck's ready, willing and able to go, but ••

LEG. VILORIA • FISHER:

Oh, Seatuck, that's what was ••

LEG. ALDEN:

Right. They're going to •• that's part of the working group, too. It had to be turned over to Parks first, and then Parks could develop a contract, so to speak, with Seatuck for different types of programs, and now the question becomes whether they run their educational programs inside or just outside and go to the library or some other building to do their other type ••

LEG. VILORIA • FISHER:

Now, are they going to be working with us as we develop the program for the Interpretive Center or ••

LEG. ALDEN:

Yes.

LEG. VILORIA•FISHER:

Okay. So, Seatuck will be working with ••

LEG. ALDEN:

And then I imagine •• I imagine Cornell will be working with us also.

LEG. VILORIA•FISHER:

Okay. All right. Thank you.

P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. BISHOP:

Cosponsor, please.

P.O. CARACAPPA:

Cosponsor, Legislator Bishop.

LEG. LINDSAY:

Me, too.

P.O. CARACAPPA:

And Caracciolo, Lindsay, Viloria•Fisher.

LEG. FOLEY:

Cosponsor, Henry.

P.O. CARACAPPA:

Mystal. Okay, here we go. Just to remind you, we're going to one, Ladies and Gentlemen. Tonight is the first night of Hanukah and we'd like to get all the agenda items done as much as

we can early on. Okay. 1865 •• oh, that's done, approved.

2009 (*Making a SEQRA determination in connection with the proposed Nautical Park, Greenways Program, SCTM Nos. 0101•007•08.00•004.000, 005.000, 006.000 and 008.000, Village of Amityville.* Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2010 (*Making a SEQRA determination in connection with the proposed stormwater remediation to the Peconic River at CR 63, Peconic Avenue • Phase 3B, NYS Clean Air/Clean Water Bond Act, CP #8233, Town of Riverhead*). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2011 (*Making a SEQRA determination in connection with the proposed improvements to active parkland/recreation areas at Maxine Postal County Park, CP #7178.413, Village of Amityville*). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2012 (*Making a SEQRA determination in connection with the proposed acquisition of Goldsmith Inlet County Park addition, Peconic Land Trust property, Town of Southold*). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

13 **(2013 • Making a SEQRA determination in connection with the proposed stormwater remediation to the Peconic River at CR94, Nugent Drive • Phase 3C, NYS Clean Air/Clean Water Bond Act, CP #8322, Town of Southampton).** Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

14 **(2014 • Making a SEQRA determination in connection with the proposed acquisition of Bluepoints Upland property for parkland purposes, Town of Islip).** Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

15 **(2015 • Making a SEQRA determination in connection with the proposed acquisition of a conservation easement on the McQuade property for open space preservation purposes, Town of Riverhead).** Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

16 **(2016 • Making a SEQRA determination in connection with the proposed acquisition of Goldsmith Inlet County Park addition, Palmer property, Town of Southold).** Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2071 (Donation and dedication of certain lands now owned by Vincent Taldone to the County of Suffolk (S.C.T.M. No. 0900•166.00•02.00•013.000 and 017.000)). Is there a motion?

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2094 (Reappointing George Proios as a member of the Suffolk County Soil and Water Conservation District). Motion by Legislator Losquadro, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2101, 2101A (Amending the 2004 Capital Program and Budget and appropriating funds for improvements to active parkland/recreation areas at Maxine Postal County Park, Town of Babylon (CP 7178.413)). Motion by Legislator Mystal.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. MYSTAL:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

P.O. CARACAPPA:

Yep, of course.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

LEG. MYSTAL:

Thank you.

P.O. CARACAPPA:

Twenty•one•twenty •• thank you, Elie. ***2121, 2121A (Appropriating funds in connection with the Peconic Bay Estuary Program) (CP 8235).*** Motion by Legislator Losquadro, second by Legislator Viloría•Fisher. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LOSQUADRO:

Yes.

LEG. VILORIA•FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes. Same motion, same second, same vote ••

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

•• on the companion resolution. ***2122 (Amending the 2004 Capital Budget and Program by accepting and appropriating Federal (up to 50%) grant in the amount of \$1,000,000 (\$500,000 Federal funds and \$500,000 local match) from the United***

States of America, acting by and through Commodity Credit Corporation under the Farm and Ranch Lands Protection program (FRPP), formerly known as the farmland Protection Program to the County of Suffolk for the acquisition of conservation easements or other interests in farmland, pursuant to Suffolk County Code Chapter 8 (05•PL•004) (CP 8701).

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Viloría•Fisher, second by Legislator Losquadro. All in favor •• oh, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA•FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2134 (Authorizing the acquisition of farmland development rights under the Greenways Program (Town of Brookhaven) Hoshyla property(SCTM No. 0200•508.00 •01.00•020.001).

LEG. CARACCILOLO:

Motion to table, Mr. Chairman.

P.O. CARACAPPA:

Motion to table by ••

LEG. ALDEN:

Second.

P.O. CARACAPPA:

•• Legislator Caracciolo, second by Legislator ••

LEG. ALDEN:

Alden.

P.O. CARACAPPA:

Alden.

LEG. FOLEY:

Question. The reason?

LEG. CARACCILOLO:

Brian, I'd like the opportunity to review the underlying appraisals to properties that are acquired in my district. That's been a practice I've maintained for a long time. So, it's •• we meet in two weeks. I don't anticipate any problems, but I'd like that opportunity.

P.O. CARACAPPA:

Okay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

It's tabled for one cycle. ***2135 (Authorizing the acquisition of farmland development rights under the Greenways Program at (Town of Brookhaven) Zeh property (SCTM No. 0200•507.00•04.00•012.000).***

LEG. CARACCILO:

Same motion, Mr. Chairman, for the same reason.

LEG. ALDEN:

Same second.

P.O. CARACAPPA:

Same motion, same second, same vote?

LEG. CARACCILO:

Yes.

MR. BARTON:

18.

P.O. CARACAPPA:

2136 (Authorizing the acquisition of farmland development rights under the Greenways Program for the Eberhard/Hanley Farm (Town of Brookhaven).

LEG. O'LEARY:

Motion to approve.

LEG. FOLEY:

Second the motion.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed?

LEG. CARACCIOLO:

Well, this is also my property, so I'd like to table it one cycle for the same reason.

LEG. FOLEY:

Just on the motion.

P.O. CARACAPPA:

There's a motion to table?

LEG. CARACCIOLO:

I'm sorry, yes.

P.O. CARACAPPA:

2136 is ••

LEG. VILORIA • FISHER:

Are we buying your property, Mike?

LEG. CARACCIOLO:

Thank you for the clarification.

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. CARACAPPA:

Legislator Foley.

[SUBSTITUTION OF STENOGRAPHER • DONNA CATALANO]

LEG. FOLEY:

Yes. On the motion to table. I know that the owner of the property, Mr. Hanley, is •• has been

a very patient land owner who wants to sell the development rights to the County. And I would say almost on at least a monthly basis, if not more frequently, there have been a number of developers who have literally knocked on his door with cash on the barrel to sell the property. So the concern •• one of the concerns I have is that by tabling whether or not we are, you know, losing the opportunity to purchase the property before the end of year, because I know there was an end of the year •• if you can relay those concerns, that's fine. But I know there was a concern about trying to close on this property by the end of the year.

LEG. CARACCILO:

I think, Legislator Foley, your point's well taken. I know the Hanley Family has some financial issues. I don't see any reason why the department could not accommodate closing before the end of the year if we meet on the 16th.

LEG. FOLEY:

Well, it wouldn't be the 16th, it would be the 21st.

LEG. CARACCILO:

Our meeting?

LEG. FOLEY:

Next General Meeting is the 21st.

LEG. CARACCILO:

Twenty first, yeah. I don't think it will be a problem.

P.O. CARACAPPA:

Okay. There's a motion to table and a second. All in favor? Opposed?
Abstentions?

LEG. FOLEY:

I oppose.

P.O. CARACAPPA:

One opposition.

LEG. O'LEARY:

Oppose.

P.O. CARACAPPA:

Two oppositions, Legislator O'Leary. Three oppositions, Legislator O'Leary, Foley, and Losquadro •• make that four, Legislator Vilorio•Fisher.

MR. BARTON:

Fourteen.

P.O. CARACAPPA:

That's tabled. 2136.

LEG. CARACCIOLO:

Same motion, Mr. Chairman, for the same reason.

P.O. CARACAPPA:

Same motion. My apologies, that's **2137, (Authorizing acquisition under Suffolk County Multifaceted Land Preservation Program)**. You are asking for a tabling?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

There's a motion to table.

LEG. CARACCIOLO:

Same reason. And let me note that on this resolution, the Supervisor of the Town of Shelter Island called my office about a month ago and expressed concern that if this wasn't closed by the end of the year, the property owner may have some difficulties moving forward. However, we then confirmed with the seller's attorney that that representation was incorrect. So there is no end of year deadline.

P.O. CARACAPPA:

Understood. You want a little more •• one cycle to review?

LEG. CARACCILO:

Yea.

P.O. CARACAPPA:

Okay. Motion to table, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2138, (Authorizing acquisition under Suffolk County Multifaceted Land Preservation Program).

LEG. FOLEY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Foley.

LEG. FOLEY:

Let the record reflect that while it's in my district, I'm happy that the County Executive submitted the resolution so that we can acquire this property. It's important. It's part of the Great South Bay South Shore Estuary area, and I'll be happy to go on as a cosponsor. Thank you.

P.O. CARACAPPA:

Seconded by Legislator O'Leary. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2139, (Authorizing acquisition of a conservation easement for open space purposes under the New Suffolk County Drinking Water Protection Program • Open Space segment).

LEG. CARACCILOLO:

Same motion, Mr. Chairman.

P.O. CARACAPPA:

Motion by table by Legislator Caracciolo, seconded by Legislator O'Leary. All in favor?
Opposed.

LEG. FOLEY:

Opposed.

P.O. CARACAPPA:

Opposed is Legislator Foley, Legislator Losquadro. Going once, twice.

MR. BARTON:

16.

P.O. CARACAPPA:

Tabled. Next page. **2147, (authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program).** Motion by Legislator Nowick, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2164, (authorizing planning steps for the acquisition of farmland development rights by the County of Suffolk, under the New Drinking Water Protection Program). Motion by myself.

LEG. CARACCILO:

Same motion to table. Legislator Schneiderman and I •• these properties are located in my district.

P.O. CARACAPPA:

I'll withdraw my motion. Motion to table by Legislator Caracciolo, seconded by Legislator Schneiderman. 2164, there's a motion and a second to table.

LEG. FOLEY:

2164, to table planning steps?

LEG. CARACCILO:

I'm sorry. I withdraw my motion to table.

P.O. CARACAPPA:

Motion to approve by Legislator Caracciolo, seconded by Legislator Foley. All in favor?
Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2169, (authorizing use of Environmental facilities Corporation financing for acquisition of AVR Realty Property).

Motion by myself, seconded by Legislator Losquadro as the Chair.

MR. BARTON:

18.

HEALTH AND HUMAN SERVICES

P.O. CARACAPPA:

1973, (adopting Local Law No •• 2004, a Local Law amending Suffolk County Code Chapter 277, in relation to procedures for Criminal history Record Screening). Motion by Legislator Bishop, seconded by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1974, (adopting Local Law No •• 2004, a Local law amending Suffolk County Code Chapter 277, in relation to standards for screening of certification applicants and employees of congregate emergency shelters). Motion by Legislator O'Leary, seconded by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2018, (Creating a Domestic Violence Prevention Commission).

LEG. TONNA:

I make a motion.

P.O. CARACAPPA:

Mr. Zwirn, you would like to speak on this? I'll wait. I'll skip it.

2075, (donation and dedication of certain lands to County Parks • a SCDHS Board of Review Transfer of Development Rights). Motion by Legislator Tonna, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2076, (donation and dedication of certain lands to County Parks • a SCDHS Board of Review Transfer of Development Rights). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2081, done.

2093, (approving the 2005 Vector Control Plan of Work of the Department of Public Works, Division of Vector Control, pursuant to Section C8•4(B)(2) of the Suffolk County Charter).

LEG. TONNA:

Motion.

P.O. CARACAPPA:

Motion by Legislator Tonna.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Seconded by Legislator O'Leary. All those in favor?

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

I would like to ask, if I may, through the Chair, Mr. Dawydiak to come up. I have some questions •• or Mr. Ninivaggi, because there was some information that was left here earlier in the day by the Baykeeper, and I just had a couple of questions about it.

P.O. CARACAPPA:

Legislator Viloría•Fisher, would you allow this to be dealt with after the public hearings?

LEG. VILORIA • FISHER:

Sure. That's a good idea.

P.O. CARACAPPA:

We're going to skip over Vector Control. Anyone who's here for Vector Control can come back at 2:30

LEG. VILORIA • FISHER:

Thank you.

P.O. CARACAPPA:

I think that's going to be extensive. 2129.

LEG. VILORIA • FISHER:

Well, actually, they were short questions, but maybe long answers.

P.O. CARACAPPA:

2129, (requesting Legislative approval of a contract award for dental laboratory services to be provided to the Suffolk County Department of Health Services). Motion by Legislator Tonna, seconded by Legislator Bishop. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2144, (directing the Legislative Office of Budget Review to conduct an economic analysis of the financial implications of the closing of adult homes). Motion to table by Legislator Schneiderman, seconded by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2161, (designating "Congenital Heart Defect Awareness Day" in Suffolk County). Motion by Legislator Bishop, seconded by Legislator Montano.

MR. BARTON:

18.

P.O. CARACAPPA:

1892, (appointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Christopher C. Drake)). Motion by Legislator Caracciolo, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1988, (appointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Gary Olsen). Motion by Legislator Fisher, seconded by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2040, (authorizing a license agreement for use, improvements and upkeep of vacant land at Farmingville Hills Country Park, Town of Brookhaven and for operation of an animal rehabilitation center by Second Chance Wildlife, Inc). Motion by myself, seconded by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2089, (Appointing Gretchen Oldrin•Moneses as a member of the Suffolk County Vanderbilt Museum Commission). Motion by Legislator Viloría•Fisher, seconded by Legislator Foley. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2118, 2118 A, (amending the 2004 Capital Budget and Program and appropriating funds in connection with the purchase and installation of a computerized reservation/point of sale system in County parks). Motion by Legislator Carpenter, seconded by Legislator Losquadro. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. CARPENTER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Dominick, you know what? Just hang out for 15 minutes, because if we go by real quick, maybe we can deal with it. Just sit tight for 15 minutes. I appreciate it. 2118 A, same motion, same second, same vote.

2120, (appropriating funds in connection with the stabilization of historic structures and buildings at County parks). Motion by Legislator Carpenter, seconded by Legislator Schneiderman. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. CARPENTER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2125, 2125 A, (amending the 2004 Capital Budget and Program and appropriating funds for planning for the construction of a skate park at Smith Point County Park, Town of Brookhaven). Motion by Legislator O'Leary, seconded by myself. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes. Cosponsor, Henry.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on companion resolution.

2132, 32 A, (amending the 2004 Capital Budget and Program and appropriating funds in connection with beach replenishment at Meschutt County Park). Motion by Legislator Schneiderman, seconded by O'Leary. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2146, 46 A, (appropriating funds in connection with improvements to County campgrounds). Motion by Legislator Carpenter, seconded by Legislator Foley. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1890, (authorizing the creation of a Suffolk County Citizens Corp. Council to develop and coordinate volunteer programs to assist emergency responder). Motion by Legislator Kennedy, seconded by Legislator Mystal. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2074, (accepting a donation of a vehicle to the Suffolk County Police Department). Motion by Legislator Carpenter, second by Legislator O'Leary. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2091, (requesting Legislative approval of a contract award for management and educational services for the Juvenile Day Reporting Center Program for the Suffolk County Probation Department). Motion by Legislator Carpenter, seconded by Legislator Bishop. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2070, (to institute a pilot program utilizing bio • diesel fuel in the Suffolk County fleet and encourage the use of alternative fuels). Motion by Legislator Losquadro, seconded by Legislator O'Leary. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2116, 16A, (appropriating funds in connection with improvement to the Armed Forces Plaza). Motion by myself, seconded by Legislator Kennedy. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

P.O. CARACAPPA:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2117 17A, (appropriating funds in connection with the construction of highway maintenance facilities • Babylon Salt Storage Facility). Motion by Legislator Bishop, seconded by Legislator Nowick. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

2124, (appointing member to the Suffolk County Transportation Advisory Board (Wayne Lentini)). Motion by Legislator O'Leary, seconded by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2127, (authorizing public hearing for approval of ferry rates for Davis Park Ferry Company).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, seconded by •• to set a public hearing. Motion by Legislator Foley, seconded by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

WAYS AND MEANS

P.O. CARACAPPA:

1694, (authorize the commencement of Eminent Domain Proceedings for Mediavilla property, Town of Huntington). Motion by Legislator Binder to table, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

1891, (adopting Local law No •• 2004, a Local Law to authorize the implementation of subscription service fee schedule for County Clerk).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1981, adopting Local law No •• 2004, a Local law to update Suffolk County Living Wage Law). Motion to table by the sponsor, seconded by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2073, (sale of County owned real property pursuant to Section 72•H of the General Municipal Law). Motion by Legislator Caracciolo.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Seconded by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2090, (directing the County Attorney to omit Legislator's signatures from contract agency agreements). Motion by Legislator Losquadro, seconded by Legislator Lindsay.

LEG. BINDER:

Cosponsor.

LEG. O'LEARY:

Cosponsor.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2092, (approving payment to General Code Publishers for Administrative Code pages). Motion by myself, seconded by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2100, (authorizing transfer of six surplus County computers to Bridgehampton Parent •Child Home Program). Motion by Legislator Schneiderman, seconded by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2105, (appointing member to the Suffolk County Delinquent Property Tax Task Force (Russell A. Weber). Motion by Legislator Cooper, seconded by Legislator Carpenter. All those in favor? Opposed?

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

Roll call on that?

LEG. CARACCIOLO:

2105?

P.O. CARACAPPA:

2105. On the motion.

LEG. BINDER:

Is he related to Morty Weber who we just had? Oh, he's gone.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

What?

P.O. CARACAPPA:

Did you request a roll call?

LEG. CARACCIOLO:

Yes.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. COOPER:

Yes.

LEG. CARPENTER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Certainly.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the appointment.

P.O. CARACAPPA:

2162, (authorizing transfer of six surplus County computers to the Plot Club of Sayville). Motion by Legislator Lindsay, seconded by Legislator Alden. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2163, (amending the Suffolk County Classification and Salary Plan in connection with Airport Security Guard, and Senior Airport Security Guard, Geographical Information System Coordinator, Assistant Medical Services Bureau Director, Medical Services

Bureau Director, Police Transportation manager, Evidence Specialist Trainee, Data Base Coordinator, Commissioner of Environment and energy, Assistant to Commissioner of Environment and Energy, and Assistant Municipal Finance Administrator). Motion by Legislator Bishop, seconded by myself. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2171, (establishing a Blue Ribbon Commission on Employee Staffing Policy for Suffolk County). Motion by Legislator Carpenter, seconded by Legislator Losquadro. All in favor? Before we call the vote, Ben, my apologies.

MR. ZWIRN:

That's okay. Thank you. The County Executive takes exception to this particular resolution. He believes as the Chief Budget Officer for the County that working with the department heads and the Legislature, they're the ones who determine the proper size of County Government that the taxpayers have to pay for and that the makeup of this board is only going to lead to a larger bureaucracy and more government and higher taxes for the citizens of Suffolk County. So that he would like to put on the record that he is opposed to this particular bill.

P.O. CARACAPPA:

Thank you, Mr. Zwirn, duly noted. There's a motion and a second, all in favor? Opposed?

LEG. BISHOP:

Roll call requested.

P.O. CARACAPPA:

Roll call requested.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. CARPENTER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Pass.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

No.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

No.

LEG. MYSTAL:

Yes.

LEG. LINDSAY:

No.

MR. BARTON:

12.

P.O. CARACAPPA:

Passes. Before we do the Senses, I'd just like go back to the Domestic Violence Bill. **2018, (Creating a Domestic Violence Prevention Commission).** Mr. Zwirn, you are still in the room? I just waited, because you did want to speak on it.

MR. ZWIRN:

Thank you very much. The County Executive extends his hand to work with the Legislature on this very important issue. And he just wants to put on the record that back in July, he did establish a task force and has hired somebody, and the person is on the board now in the Office of Women's Services, to act as a liaison with the Police Department on this particular issue.

P.O. CARACAPPA:

If this is created, from what I'm told and in press clipping, the County Executive will participate though.

MR. ZWIRN:

That's correct.

P.O. CARACAPPA:

Excellent. There's a motion by myself, seconded by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

We have five minutes. Vector Control still in the room? Legislator Vilorio•Fisher, you have questions for the ••

LEG. VILORIO•FISHER:

I just have a couple of quick questions.

P.O. CARACAPPA:

Thank you.

LEG. VILORIO•FISHER:

There was material that was left here by one of our speakers this morning since we couldn't ••

P.O. CARACAPPA:

Five minutes. Legislator Viloría•Fisher has a couple of questions.

LEG. VILORIA•FISHER:

Yes. Very quick questions. Who am I asking?

P.O. CARACAPPA:

Who are you asking?

LEG. VILORIA•FISHER:

Whoever can tell me whether •• there were materials that were left here this morning. I looked through them, I tried to read them as best I could. There was one in which •• actually it wasn't a study, I had asked for their studies to be brought, and one was an article from the New York Times.

P.O. CARACAPPA:

Can we just give Legislator Viloría•Fisher some quiet.

LEG. VILORIA•FISHER:

Many of us have been concerned about the lobster die•off, and this New York Times article said that the Stony Brook University study had indicated that it was actually the warming of the waters that had been what they saw as the prime reason for the lobster die•off, but in the article it also cited that aduulticides were the reason. Has there been a more conclusive study done? Have there been further studies looking at this?

MR. JEFFREYS:

Legislator Viloría•Fisher, my name is Christopher Jeffreys from the County Attorney's Office. The individual from our Vector Control panel, who was involved in this, who would probably be best equipped to respond to you would be Walter Dawydiak. And I called him to the microphone so he can address your questions concerning the lobster die•off.

LEG. VILORIA•FISHER:

Okay. Thank you.

MR. DAWYDIAK:

Good afternoon. I'm sorry. I didn't hear your question, I had to run upstairs for a moment.

LEG. VILORIA•FISHER:

There was a New York Times' article that was in the packet that we received this morning, which referred to the Stony Brook study that we know was a rather exhaustive study of why the lobster die•off had occurred. Stony Brook University Marine Sciences as well as other groups that were involved in that project put the blame on the rising temperatures of the waters. However, New York Times had indicated that there was other evidence that it was the pesticides used that caused the die•off of the lobsters. Can you tell me what kinds of studies there were? Were there conclusive studies subsequent to this •• to the Stony Brook work to indicate that pesticides had caused the lobster die•off? I'm trying to figure out where the New York Times was getting this information.

MR. DAWYDIAK:

I'm not sure. Either pesticides are a concern to all of us and all of us would prefer to see no pesticides ••

LEG. VILORIA•FISHER:

I'm sorry, it's hard to hear. Can we just •• this is really important, because the lobster die•off is something important to all of us. And if our pesticides, where we justifiably trying to fight West Nile Virus, have the unintended consequence of creating a lobster die•off, I think that we need to hear what the answer to this is.

P.O. CARACAPPA:

Please, Legislator Viloria•Fisher has a couple of short questions as she indicated. Let's get them asked and answered, and we can vote on this. Thank you.

MR. DAWYDIAK:

I'll try to answer briefly, if I can. Thank you. Basically everybody is concerned about pesticides. We all want to minimize or eliminate their usage. To the best of our knowledge, and we're pretty close to the issue, the findings of this symposium are still valid, that being the temperatures, a primary causal mechanism, temperature stresses coupled with low dissolved oxygen and other associated conventional stresses. There continues to be a line of speculation in the media and elsewhere that if every drop of pesticide applied somehow reached all of the lobsters, there might be a potential contributory factor.

I have not heard anyone in the scientific community pose a mechanism or pathway, a fate and transport scenario, which credibly shows any of the pesticides reaching the lobsters in anywhere near the order of magnitude necessary to have those impacts. So I hope that's an answer to your question. Dominick.

LEG. VILORIA • FISHER:

Thank you very much.

P.O. CARACAPPA:

Is that all?

LEG. VILORIA • FISHER:

That's all, Mr. Chair.

P.O. CARACAPPA:

Thank you so much. All right. There's been no requests for additional comments.

LEG. TONNA:

Let's vote. Just vote.

LEG. TONNA:

There's a motion and a second.

LEG. CARACCILOLO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCILOLO:

I know the Baykeeper is here from the Peconic Bay, and I think that as a result of litigation that's been initiated, they would take a different view as to the scientific evidence. If it's at all possible, Mr. Chairman ••

P.O. CARACAPPA:

No.

LEG. CARACCILOLO:

Okay. We can't hear from McAllister?

LEG. TONNA:

Not only that •• can I just make a comment? We extensively ••

LEG. CARACCILOLO:

I know you want to go to lunch.

LEG. TONNA:

No. We had over a three hour committee meeting, an hour of it was spent on listening to both sides ad nauseam, all right? There is no science base. There was no, you know, Dr. Doolittle who came up and testified on behalf of the evidence that the Baykeeper gave. We had extensive, extensive, you know, questions and answers about this. And I feel very confident that in the committee, we covered this issue and the issue of any deleterious effects to the lobsters, to crayfish, to crabs, to oysters, to whatever biological thing you can come up with except for Sponge Bob.

P.O. CARACAPPA:

On top of that, Legislator Caracciolo, in all seriousness, Mr. McDonald (sic), the Baykeeper is suing us, has been suing us for some time, aggressively, I might add, on this matter. I don't think having him come up, give testimony on the bill itself is prudent.

LEG. CARACCILOLO:

I respect that opinion, Mr. Chairman.

P.O. CARACAPPA:

He did get a chance to speak as a member of the public earlier.

LEG. CARACCILOLO:

You said Mr. McDonald. Is Kevin McDonald ••

P.O. CARACAPPA:

McAllister.

LEG. CARACCILO:

McAllister you meant?

P.O. CARACAPPA:

Peconic Baykeeper.

LEG. CARACCILO:

You said McDonald.

P.O. CARACAPPA:

I'm sorry, I get them confused. Okay. There's a motion and a second. All in favor? Opposed?

LEG. CARACCILO:

Abstain.

LEG. FOLEY:

Abstain.

LEG. SCHNEIDERMAN:

Abstain.

P.O. CARACAPPA:

There's an abstention by Legislator Caracciolo and Legislator Schneiderman and Legislator Foley.

MR. BARTON:

15.

P.O. CARACAPPA:

Approved.

SENSE RESOLUTIONS

P.O. CARACAPPA:

Sense Resolution 76, (sense of the Legislature resolution requesting that the New York State Legislature exempt solar power producing equipment from all sales taxes). Motion by Legislator Carpenter, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

77, (Sense of the Legislature resolution requesting the State government to amend the New York State Racing, Pari•Mutual and Wagering and Breeding Law to benefit local government). Motion by Legislator Lindsay, seconded by Legislator Carpenter. What is this? All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

78, (sense of the Legislature resolution requesting that the Metropolitan Transportation Authority and the New York state Legislature provide responsible oversight for Long Island Railroad users). Motion by Legislator Lindsay, seconded by Legislator Bishop. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

79, (memorializing resolution requesting the State of New York to enact legislation permitting the County of Suffolk to allocate surcharge funds on cellular phone accounts for County police purposes). Motion by Legislator Carpenter, seconded by

Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 80, (memorializing resolution requesting State of New York to amend the Alcohol Beverage Control Law as it relates to advertising and marketing). Motion by myself, seconded by Legislator Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

County Attorney's. County Attorney.

MR. JEFFREYS:

Thank you Legislator Caracappa. On behalf of the County Attorney's Office, I have been defending the Baykeeper lawsuits for the past few years. It's important for this body to understand, and I'm sure that they do from the extensive committee review that we've gone through in reference to this matter, the importance of your obligation as the SEQRA lead agency to issue a negative declaration in reference to this matter.

Each year we have been faced in the County Attorney's Office with an argument that has been raised by the Baykeeper that there was not a sufficient hard look presented at all of the documentation that we've received from everybody in reference to the Vector Control plan. Based upon the extensive Health Committee presentations that we have had under the auspices of Legislator Tonna, and as the nonprime committee with Legislator Losquadro, and the Environmental Assessment Form that's been presented and the presentation by Mr. McAllister and the •• Mr. Atkinson, his general counsel, at all of the meetings, I would like this panel to understand that that's the important information that we will be utilizing in the event that there's an ensuing litigation, that there was a sufficiently hard look taken at everything before we enacted the 2005 Vector Control plan.

P.O. CARACAPPA:

Before you step down, our Counsel would like to add something to that statement?

MS. KNAPP:

I don't know that you mentioned the full presentation that was made in the Environmental Committee also at the request of the Chairman, Legislator Losquadro, who wanted to make sure that the members of his committee were fully apprised. And I want to thank you for getting the EAF to us in so much time that the Legislators were able to review and ask a lot of questions. Thank you.

P.O. CARACAPPA:

Okay. I thank everyone for their cooperation this morning. You did an excellent job. We will return at 2:30 for public hearings and then subsequently any CNs or any other business to be conducted. Two•thirty we will return.

[THE MEETING WAS RECESSED AT 1:00 P.M. AND RESUMED AT 2:40 P.M.]

[RETURN OF STENOGRAPHER • LUCIA BRAATEN]

P.O. CARACAPPA:

Good afternoon. We'll start the public hearing portion of today's meeting, which I could tell you, you'll be •• you're going to be here for hours, based on about the hundred cards we have.

First public hearing •• first, Mr. Clerk, the affidavits of publication are in proper order and they're all put in following •• proper orders?

MR. BARTON:

Yes, we have the affidavits.

P.O. CARACAPPA:

Thank you.

P.O. CARACAPPA:

First public hearing is relating to ***1898 • Authorization of alteration of rates for Fire Island Ferries.*** First speaker, Jim Mallott.

MR. MALLOTT:

Good afternoon. Thank you for the opportunity of ••

P.O. CARACAPPA:

Hold on a second, sir.

LEG. LINDSAY:

Mike isn't on.

MR. MALLOTT:

Okay, thank you. First of all, I'd like to thank you for the opportunity for presenting the viewpoint, the Village of Ocean Beach relative to the application of Fire Island Ferries.

First, I'd like to say that we commend the ferry company for good, valued and professional service to Ocean Beach and the other communities on Fire Island. While we agree that some fare increase might be justified as a result of escalating costs, we are vigorously opposed to the Budget Review Office conclusions. We strongly urge less burden on the property owners in Ocean Beach and greater, more equitable charges for the casual rider.

The BRO, in its November 22nd report, not only approved the increase, but took the diametrically opposed approach by recommending that the Ocean Beach taxpayers pay the lion's share for this increase. I am here to state that this is totally unacceptable. I respectfully suggest that the BRO did not examine all the facets of this complex situation.

Ocean Beach has the largest ferryship rider •• ferry ridership and is one of the most attractive destinations on Fire Island, because it offers a wide variety of facilities, goods and services to the visitors. We have restaurants, food markets, hotels, rooming houses, many unique boutiques, a movie theater, historical shows, free concerts and film festivals. In support of these activities, we have free public restrooms throughout the Village, extensive police, medical and fire services. We have refuse removal, street cleaning, 30 lifeguards. We are an incredibly desirable destination, which generates substantial ridership for the ferry company.

Of the Village's 4.2 million dollars budget, 39%, or over 1.6 million dollars, is directly attributable to money spent on visitor services and facilities. It's true that the visitors spend

money in town, which helps sustain the business district and brings sales tax revenue to the County, but the cost of paying for all our municipal services is borne solely by the taxpayers of Ocean Beach, not the casual rider, who BRO is seeking to protect •• to protect. Taxpayers supply the attractions, visitors should pay higher ferry fees.

The ten•year lease agreement between the •• between Ocean Beach and the Fire Island Ferries gives Fire Island Ferries exclusive use of our ferry terminal, and the twenty•one hundred discount ferry ticket books is a small reward to the property owners for making Ocean Beach such a magical attraction. The ferry company also has benefits, because the tickets are all prepaid for, and it gives them over \$300,000 operating expenses before the season even begins.

I'd like to make three very brief points to wrap up. Ocean Beach agrees that some increase fare is justified, but not as much as asked for by the ferry company or recommended by the BRO. Ocean Beach strongly urges that our taxpayers receive reduced fares and extra consideration, not additional fare charges.

And finally, Ocean Beach strongly urges that our lease with the Fire Island Ferries, Incorporated, negotiated in good faith by both parties, be honored as signed.

Again, thank you for the opportunity of presenting these views on behalf of the Village of Ocean Beach.

LEG. VILORIA•FISHER:

Thank you.

P.O. CARACAPPA:

Before I call the next speaker, I just want to make it clear to those who are speaking against the public •• against the ferries, I received many E•mails in my office, I guess berating me you'd say, for sponsoring the bill. Just so you know, based on the rules of the Legislature, the Presiding Officer has to sponsor the bill for ferry applications regardless. It doesn't mean I'm for it or against it, but based on the rules of the Legislature, it's my name that goes on it. So, just so those of you in the audience that have sent those E•mails to my office saying that I was the sponsor, you were erroneous in that assessment.

MR. MALLOTT:

I'll pass that on to the taxpayers in Ocean Beach.

P.O. CARACAPPA:

Well, I've E•mailed them all back, trust me. Charles Fagan.

MR. FAGAN:

I know you want to move on here, so I really don't have too many prepared remarks, except that I'd like to reiterate the remarks by the previous speaker.

I represent •• I don't represent, I am a homeowner in Kismet, and while I am not opposed to the fare increase as such, I do think that the Legislature should initiate some type of program with the ferry company to start ferry service in the Fall and Spring to the community of Kismet. As of Labor Day, the ferry service is drastically reduced, and as of October 31st, the ferry service is virtually terminated and it causes a great hardship.

There are many homeowners now in the Kismet community, it is not a rental community as it previously was. Both the Town of Islip and the Suffolk County Water Authority has made a serious commitment to improving the community, and if we can get the naysayers out of the way there, we could probably begin construction of the sidewalks, and the sewer line, and the water service lines, possibly in the beginning of the Fall of '05. And I believe it would behoove the ferry company to try to initiate some type of service this Spring to increase the ridership, and I believe when the residents know that the ferry service is reliable, that the ridership will greatly increase, and it will be a benefit to both the residents of the community and the ferry company itself. Thank you.

P.O. CARACAPPA:

Thank you. George Hafele.

MR. HAFELE:

Thank you, Mr. Chairman, members of the Legislature. My name is George Hafele. I'm the President of Fire Island Ferries in Bay Shore.

First off, I'd like to start by thanking Mr. Jim Spero and Mr. Kevin Duffy from Budget Review for

the hard work and tireless efforts they put in in compiling the information necessary for the report, which was distributed to you last month. Also, I would like to thank Deputy Clerk of the Legislature, Alexandra Sullivan, for her efforts as well, helping us, shepherd us through the system, which at times can be confusing.

In the interest of brevity, I won't rehash the entire report, but just point out that our 11.2% increase that we have requested is not excessive. Since 2001, the CPI has increased 10.4%. In reality, our 11.2% increase allows for less than 1% margin in the Year 005.

Yesterday, the New York State Legislature overrode Governor Pataki's veto in passing legislation which increases the minimum wage 17% from 5.15 an hour to \$6 an hour. We offer employment opportunities to approximately 50 full•time summer deck hands and 15 part•time deck hands, and the 7% increase in the minimum wage has a leapfrog effect on all of our crew, not just the 16 year old entry level deckhand. Although we have projected a 3% in payroll for 2005, that seems now to be rather conservative. Health care costs, and I will just say this very briefly, health care costs for us have gone up 13% this year. Increases in fuel oil are also well documented and well known. In 2004, the cost for fuel oil rose \$200,000 to the company.

Our liability insurance or payroll increases, and in order to try to offset these increases, we've tried to control the costs that we are able to control, however, most costs are beyond our control.

Thank you very much for your time. If there are any questions, I'd be happy to answer them.

LEG. VILORIA•FISHER:

Thank you.

MR. HAFELE:

Thank you.

P.O. CARACAPPA:

Mario Posillico.

MR. POSILICO:

My name is Mario Posillico. I'm the Village Administrator of the Village of Saltaire. Thank you for the opportunity to speak regarding the application by Fire Island Ferries requesting a rate increase.

I would also like to comment on the Budget Review Office's November 22nd report in response to that application and the recommendations made therein.

Over the years, the Village of Saltaire has maintained a strong working relationship with the Fire Island Ferries and we have found that they have continually provided capable and professional service to Saltaire and its residents. They have always been •• they have always proven willing and able to provide Saltaire with freight and passenger service of the highest quality, and have cooperated with us to ensure a well scheduled, well run enterprise that has been of tremendous benefit to the residents of the Village. We wish for that to continue. Therefore, we do not oppose a rate increase, as long as it is reasonable and justified to cover increased cost of operations. Eleven percent passenger fare increase and a 7% freight fare increase seems excessive on its face, and we, therefore, urge the Legislature to examine the proposed increases carefully, look for cost saving measures to obviate the need for such high increases, examine the reasonableness of interrelated company charges and fees, and lastly, keep in mind the economic impact any such increase would have on Fire Island.

The Village of Saltaire does strongly object, however, to the recommendations in the Budget Review Office's report of November 22nd, 2004. Firstly, we do not think that they adequately examine the cost justifications and intercompany rents when they state, "We believe that the rate petition should be considered on its merit." The Village of Saltaire feels a more thorough examination of cost considerations be undertaken before full •• a full revenue is granted, as suggested by the BRO.

The Village of Saltaire also strongly objects the BRO's recommendation that the entire burden of the revenue increase be shifted to the two Incorporated Villages on Fire Island by almost eliminating the entire amount of the discounts available to the residents of these villages, though BRO consider these bulk discount tickets that the Village can simply procure because of their ability to buy them in bulk from Fire Island Ferries. This is not the case. The Village of Saltaire has negotiated this right through its contract with Fire Island Ferries as part of the economic compensation that the Village receives for granting the Fire Island Ferries exclusive rights for the facilities that the Village owns and maintains. The Village could have chosen to take that economic compensation in the form of a lump sum cash payment, but chose, rather,

to take that compensation in the form of reduced fare tickets, which it could then turn around and provide to its residents.

The Village of Saltaire owns the facilities on both sides of the ferry running to and from Saltaire. Fire Island Ferries has the exclusive right to use those facilities by private contract. The Bay Shore facility is currently being reconstructed for an approximate cost of \$475,000, and the Saltaire terminal will be reconstructed next year for approximate cost of 2 million •• 2.5 million dollars, both of which are the responsibility of the taxpayers of the Village of Saltaire. It would be inappropriate for the Legislature to dictate to an incorporated municipality the amount and type of economic compensation that it can receive for the use of its assets under a privately negotiated contract, thereby undermining its autonomy of self•government. If the Legislature followed the recommendation of the BRO, it would be doing precisely that •• just that, and unjustly shifting the economic burden of the entire rate increase to the residents of the Villages of Saltaire and Ocean Beach.

In summation, we ask that the rate increase be considered on the merits of the documentation submitted with the application, and that whatever the increase is, that it be fairly shared with all ferry riders. Thank you.

P.O. CARACAPPA:

Thank you. I have no other cards on this public hearing. Anyone else wishing to be heard? Seeing none, hearing none, I make a motion to close.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions? Public hearing on 1898 is closed.

Before we get into the public hearings relating to the Hotel/Motel legislation, many of you have signed up to speak on all the separate hearings. If you find it in your heart to ••

D.P.O. CARPENTER:

Take pity.

P.O. CARACAPPA:

To speak about all three while you come up during your first five minutes, it certainly would be appreciated. And if you do consider that and you do actually do it, just let us know while you're speaking that you're going to speak on all three while you have the first set of time.

Moving on. ***Public Hearing 2041 • A Local Law to promote accountability of Hotel/Motel tax funds.*** First speaker is Ben Zwirn.

LEG. MYSTAL:

Where's Ben?

LEG. BISHOP:

In the back.

LEG. MYSTAL:

In the back.

LEG. BISHOP:

Go to the next one.

LEG. MYSTAL:

Go to the next one.

P.O. CARACAPPA:

Mike Johnston.

MR. JOHNSTON:

I can tell you, I do find it in my heart, my brain, my business, so all three at once. So, thank you very much, I appreciate it, and I appreciate your time.

P.O. CARACAPPA:

Thank you.

MR. JOHNSTON:

My name is Mike Johnston. I'm just waiting for a couple of people to finish up, because we have one meeting. Thank you.

P.O. CARACAPPA:

Guys.

MR. JOHNSTON:

Appreciate it, thank you. As I say, my name is Mike Johnston. I am the General Manager of Long Island Marriott Hotel and Conference Center, as well as the President of the Long Island Hotel Association. Our association represents approximately 70 hotels and motels across the Island, and also associate membership, about 35 to 40 venders and suppliers, etcetera, etcetera.

It was •• I just want to bring up a brief background. It was the hoteliers that went to the County officials in both counties to request that a room tax be placed on hotels and motels to provide funds to promote tourism, and I think this is very important, meetings and conventions, not just tourism.

In our opinion, and Lord knows we all have opinions, we truly believe Mr. Schneiderman's proposal will micromanage the Long Island Convention and Visitors Bureau. You, as the government, will be responsible for the success or failure of this program. The resolutions that are proposed will also mean eliminating the sales force, which, in my opinion, is a must to coordinate and direct meetings and conventions that come to this Island, as well as other staffing positions. The industry should be responsible for the Long Island Convention and Visitors Bureau activities. And, as you know, let me assure you that the controls have been put in place to avoid what has happened earlier.

The industry should and will police itself.

As President of the Hotel Association, I can assure, the Association members are not in favor of these resolutions. It also is in our opinion, it sounds like these resolutions almost want an ad agency, and if that is the case, why do we need a Bureau? Why not •• and I'd also like to make a suggestion, why not spend this time, these efforts getting together with the two

counties and look at building a convention center, so we can bring in more business and more conventions, and make a lot of money for the government and for the taxpayers? Once again, thank you very much, and that's all three. Thank you.

P.O. CARACAPPA:

We certainly appreciate that, Mr. Johnston.

MR. JOHNSTON:

Appreciate it. Thank you.

P.O. CARACAPPA:

Martin Greenstein.

MR. GREENSTEIN:

Good afternoon, everybody, and thank you for letting us talk about all of them at one time. I think we all like that.

P.O. CARACAPPA:

Just pull that microphone down to you. There you go.

MR. GREENSTEIN:

Okay. Is that better?

P.O. CARACAPPA:

Thanks a lot.

MR. GREENSTEIN:

Thank you for letting us talk about all of them at one time, because the energy and the emotion is about all of it, that the whole concept of keeping this one Island with one Long Island Convention and Visitors Bureau that represents the total Island. I think it's very important that we look at this in this manner. We had a little hiccup, we know that. We all know about the hiccup, it's been overpublicized. But now we have a brand new president, we have a brand new way, a brand new marketing plan, and an opportunity to go forward. It's my opinion that we should be given at least a year to make this work, to show that we can work, and show that the Board can do its job.

I'm an independent businessman, I'm in the event business, I am not a hotelier, although I do work at hotels. It's my opinion that given the opportunity, the board that we have now can do a fabulous job, bring even more business, more heads in beds, more people at the malls, more people at hotels, and visit all of the Island. As we go forward, we can get better, but we need to be able to do the job ourselves. Nobody else can legislate how you can run your business. The way these numbers break out, I couldn't run my business on 15%, and I challenge anybody else that thinks that they could run theirs.

Thank you so much for the opportunity for us to be here and to express ourselves.

P.O. CARACAPPA:

Thank you, sir. Just bear with me one second, Ladies and Gentlemen. Gloria Rocchio.

MS. ROCCHIO:

Good afternoon, Mr. Presiding Supervisor, members of the Legislature. I'm Gloria Rocchio. I'm President of the Ward Melville Heritage Organization, and I'm the new Chair of the Long Island Convention and Visitors Bureau.

We are definitely in the midst of a serious dilemma. The Long Island Convention and visitors Bureau is being attacked because of the alleged misdeeds of one individual. Over the recent months, we've hired a new President to run the operations. Under our direction, the new Board, and through his own efforts, the organization has implemented changes and controls to prevent abuses of the kind alleged in the past. Beyond that issue, we have taken the advice of our new President and embarked on a new direction regarding the promotion of Long Island as a tourist destination. Any effort to fractionalize these promotional programs will only weaken the Long Island's position in the market place.

We strongly encourage you to avoid the disruption of our efforts and further encourage you to work with all of us to benefit all of Long Island and its collective economy. We are, therefore, against Resolution 2041, 2104, 2103. Thank you.

P.O. CARACAPPA:

Next speaker on 2041 is Don Whitehead.

MR. WHITEHEAD:

Thank you. Presiding Officer, can I have half a heart? What about I speak for a few minutes and reserve the right to speak one other time?

LEG. BISHOP:

Yeah. Well, you have the right.

P.O. CARACAPPA:

You have the right to speak ••

MR. WHITEHEAD:

Thank you.

P.O. CARACAPPA:

•• on any cards you filled. I was just trying to do us all a favor and consolidate.

MR. WHITEHEAD:

Okay. I'll make each short. I oppose all three proposals that were made, the resolutions that were made by my Legislator, Mr. Schneiderman. Every other township in the East End, the •• is opposed to this also, from not the township itself, but the entities that are responsible for promoting tourism.

We look at the whole picture. We're looking at the consumer, we're not looking at trying to have two east and west regions for development of ideas and thoughts, and then next, Nassau wants two or three, and now we have four or five regions, making sure each one of those little niches are being covered. When that happens, we're missing something, and what we're missing is the consumer.

The consumer does not really care about a region, does not really care about east, west, north, south. We're trying to bring the consumer to Long Island, and the best way to do that is to brand Long Island and show everyone that they have a choice to make between Cape Cod, New Jersey Shore, the Poconoes, and other areas that are competition to Long Island for the tourism dollars.

Others here will speak about the great value of the meetings and conventions, and how that brings even far more dollars than even the tourism business. And under the proposal of 15% administration, we're lucky we've got a President and an auditor, or a Comptroller, covered by that, no allocation for someone in meetings and conventions, no allocation for group sales, no allocation for fulfillment, no allocation for brochures, no allocation for a website. And tomorrow's world is a website, and if we don't put the dollars into a website, we're going to be way behind those other areas that I mentioned. Thank you for your time.

P.O. CARACAPPA:

Thank you, sir. Tom Neely.

MR. NEELY:

Thank you. My name is Tom Neely, and I will speak to the combined three resolutions as well.

I come here in front of this group today with 25 years of marketing experience in various business segments and in various industries. I was a board member of the Long Island Convention and Visitors Bureau from 1992 to 2001, and I've just been reelected to the Board. I've been President of the Southampton Chamber, and been involved in a variety of chambers over the years. I'm currently Chairman of the Hamptons Visitors Council, and have been for the past 12 years. The Hamptons Visitors Council is an alliance of six of the eight Chambers of Commerce on the South Fork. The chambers that were in our group are Eastport, Westhampton, East Quogue, Hampton Bays Southampton, and Sag Harbor. East Hampton •• I'm sorry, if I said East Hampton, it's Westhampton. East Hampton and Montauk have chosen not to join our group to promote the South Fork as a region.

The Hamptons Visitors Council has taken a vote and does support the Long Island Convention and Visitors Bureau as it is in existence now. Certainly, we agree, there is need for greater financial oversight, and I know that this organization and the County Comptroller and the members of the Board of the Long Island Convention and Visitors Bureau are working towards greater financial oversight.

The matters that we should address are marketing versus micromanagement. I believe that while this legislation is well intentioned, it is full of problems with regard to the administrative budget of 15%, with regard to splitting budgets within the County. I can envision a situation

where we wind up competing one against another within the County, and I don't believe that's something that we want.

So, I would like to just end by saying that the Hamptons Visitors Council, an alliance of the six Chamber of •• six of the eight Chambers of Commerce on the South Fork, strongly supports the Long Island Convention and Visitors Bureau as it is, and that we don't believe that the financial issues that were uncovered earlier this year should open the door to micromanaging the marketing of Long Island. Thank you.

D.P.O. CARPENTER:

Thank you very much. Next speaker, Michael Davidson. Michael, are you going to speak to all three of them?

MR. DAVIDSON:

Of course.

D.P.O. CARPENTER:

Thank you.

MR. DAVIDSON:

Michael Davidson. I am the Executive Director of the Glen Cove Chamber of Commerce, but from 1986 through 1997, I spent all of my energy and all of my professional efforts promoting Long Island as a destination, first as the Executive Director of the Montauk Chamber of Commerce, and later as President of the Long Island Convention and Visitors Bureau.

There are many around this horseshoe who remember me, many who don't, but I was involved with the CVB when this, organization, or when Suffolk County contributed \$75,000 to promote this multi•billion dollar industry. When I was there, we put together a coalition of organizations across the Island, hotels, attractions, cultural and communities, and came to you and said, "Tourism is too important to be funded by \$75,000 and we have an idea of how to fund it," and that's basically how the room tax occurred. Now, when the room tax was passed, there was some conflict about how to promote Suffolk County over Nassau County, and, in fact, Mea was involved with the Economic Development Department, and Nassau took a little longer to pass the room tax than Suffolk did. But, when I came in front of this body, we talked about it, and I mentioned some cute examples that I thought were fun, like Essex County, New York, which

nobody knows, because it's really Lake George, and other ideas of that about what identity.

It's important that Long Island is promoted as a destination. There are ways to promote other areas of it, promote attractions, promote regions, but overall, the idea is that it is Long Island, and I think that has to continue. And I think, as I was no longer on Long Island and I saw from outside what was happening, I was saddened that the Convention and Visitors Bureau got off its main mission, because when I ran it, and I ran it with a very good board, and very loyal constituents, we really were for the better good. The idea was we wanted to bring people to Long Island. And I used to kid the then Executive Director •• then General Manager of the Marriott, saying, "You've got the biggest hotel on Long Island, but nobody's coming to Long Island because of your hotel. They'll be coming to us for our beaches, and our attractions, and our great beauty, and people bought on to that and bought in the idea that we were going to promote this destination.

I think it's •• it was unfortunate what happened to the CVB. While I don't support any of the legislations suggested, I do think it's a good idea that the CVB comes on a regular basis to report to whichever subcommittee you think it's important to. Let them come four times a year, let them give you a marketing plan. Let them at the end of the season give you an evaluation of the marketing. Let them talk to you about plans and ideas. I think that's •• I think that's the job of government. Don't micromanage this.

I have been pleased in my meetings with the new President of the CVB. I think Moke's got some great ideas. I think the Board is reenergized and the Board is more focused. I don't think you're going to see what you saw in the past, and, ultimately, part of that's the responsibility of you. You guys have to come and then look at the books, you guys have to ask the tough question. We were audited a number of times when I was there at the CVB. It's not a pleasant process, but it's an important process, and I •• and I respected it and went through it, and there suggestions made on how to improve what we were doing on a financial end, but they weren't really commenting about our marketing efforts. I think everybody understood what that what we were doing was marketing the destination.

So, I appreciate the opportunity to speak to you. It's been a long time since I've been out here, and, hopefully, the resolutions will fail, the CVB will move on, you guys will meet with them on a regular basis to monitor their progress, and let's get the tourism industry moving up

and again. So, thank you very much.

D.P.O. CARPENTER:

Thank you, Michael. If you would wait a moment, there is a question for you. Legislator Viloría •Fisher.

LEG. VILORIA • FISHER:

I know we're all trying to be as expeditious as possible, and you spoke very quickly, and as you were speaking, you said something very important and you just raced right through, and that is you said that you were saddened to see that the LICVB had lost sight of its mission. And I just briefly would like you to tell us what you felt the mission was, and how it was lost and how we could regain, if you can do that briefly. It's important, because you have some institutional memory that I think is important to us.

MR. DAVIDSON:

Okay. I don't feel I need to be polite, and I will say it as bluntly as possible. The former President of the CVB could sell ice to Eskimos, and I think he convinced the membership and he convinced the Board that what he was doing was for the best for Long Island. I don't believe that, I don't ever believe he was doing the best for Long Island. I think, and I •• you know, I feel strongly about how I do things. When I was working for this organization, my goal was always to make Long Island better. Some of the criticisms of my leadership was I wasn't out there enough. I didn't go to Legislative events, I didn't go to cocktail parties. I worked on promoting Long Island. I think the previous or the President after I left was more interested in face time than on working. And I think that, in speaking to some of the staff of the CVB, I think they felt the same way. That's not going to happen any longer.

I am very confident that Moke knows what has to be done and this Board understands what has to be done. The best time is if you don't see us. You know, the idea of, you know, being at every press event for face time was not anything I thought was important. It was important to me to promote the product, to get my staff working is important, to speaking to the media that could promote Long Island. I spent a lot of time talking to media that was off Long Island. One of my staff member •• previous staff members was the head of our marketing department. We got articles written about Long Island all over the country and all over the world. The CVB stopped doing that when I left, and, again, I think it was because their leader could convince them to do a lot of things.

LEG. VILORIA • FISHER:

Thank you very much for clarifying that.

MR. DAVIDSON:

Thank you.

D.P.O. CARPENTER:

Thank you. Next speaker is Stuart Held. Stewart, are you speaking on all three?

MR. HELD:

All three.

D.P.O. CARPENTER:

Thank you.

MR. HELD:

Thank you. Presiding Officer, Legislators, I guess it's unusual that somebody from Nassau County is here, but to a great degree, we are partners in this, and what happens here also would happen in Nassau County.

I'm appointed to the Board by County Executive Thomas Suozzi, and I serve on the Executive Board, the Board, and on the Sports Commission. We are not only partners in tourism, but we're very dependent upon the revenues that we receive from tourism, and to a great degree, sports, entertainment, and tourism is one of the key initiatives of County Executive Suozzi.

At a recent press conference, both County Executive Levy and County Executive Suozzi presented that they were in back of the LICVB and the efforts that we're •• that were being done. As a •• the LICVB has gone through a tremendous metamorphoses as a result of the audit of Suffolk County, and we think that what has happened is a very good thing and we applaud you. We also say that, I think that from what I've seen and what I've participated in, the new LICVB Board and representatives have all answered just about all of the questions of Mr. Sawicki, and I think that there has been a great new effort of understanding of what tourism is in both Counties, and a new fire in the belly, so to speak, in the Board of Directors.

I'll give you a firsthand experience. I've had a hotel manager say to me that because of events that were run in our Aquatic Center, he could put almost a gross of a million dollars of additional revenue. Now, when you think about that, we had ten international, national events in the Aquatic Center. Five of them were brought to us by the LICVB. All ten of them had their rooms directed from •• by the LICVB. So, it was a very strong and a very important help to us when you start recognizing that according to Dr. _Kelner_ of Hofstra, you take a factor of 1.94 times direct impact, you get a total economic impact of that 1 million dollars into 2 million dollars, or darn close to it.

So, we're very concerned about breaking up a pot, or taking anything away on the money basis, because as a marketing person, I recognize that all funding, the more funding I have, the better opportunity I have to make a statement. If I have less funding in which to work with, I'm not going to be as strong. And recognize that we're competing against a tremendous number of counties, areas, villages.

I think Pennsylvania spends 35 million dollars on tourism, and I think New York State only spends 25 million, so just as an indication of that.

You know, if you really talk about our power, when you put Nassau and Suffolk together, if you put our populations together, we would have the fourth largest city in the United States. That's a very powerful statement. And I think by working together and continuing to work together is a way we're going to be successful.

Both Counties were involved in the hiring process of the new President, Moke McGowan. He has no political association with either county, he has no family in this area, he comes from a totally different part of the country, and I think that that alone speaks a lot for the fact that we picked him and selected him because of his experience.

We have one more year until the sunset of the hotel/motel tax, and I think that it behooves us that now that we've got the ship turned in the right direction, that we give Mr. McGowan and his staff the opportunity to go forward. Other than that, I thank you very much, and thank you for listening to a Nassau County resident.

LEG. VILORIA • FISHER:

Thank you.

LEG. FOLEY:

Thank you.

D.P.O. CARPENTER:

Next speaker, Sherry Wolfe.

MS. WOLFE:

Good afternoon. I'm here ••

D.P.O. CARPENTER:

Sherry, excuse me, are you speaking on all three.

MS. WOLFE:

I'm not.

D.P.O. CARPENTER:

Okay.

MS. WOLFE:

I'm speaking on only 2041.

D.P.O. CARPENTER:

Okay, thank you.

MS. WOLFE:

Uh•huh. I'm here representing the East Hampton Business Alliance. The members of the Business Alliance own businesses on the eastern end of Long Island in East Hampton, Amagansett and Montauk, and we're here to support Legislator Schneiderman's proposed resolution.

I've been sitting here and it's interesting to hear that almost every speaker who preceded me has gotten up and acknowledged the previous mistakes of the Long Island Convention and Visitors Bureau, and, yet, has asked that they be allowed to continue to control the distribution

of these hotel taxes. I would ask you Legislators why do you think that Montauk and East Hampton Chambers withdrew from this organization and decided to try to control their destinies? I've been told that the reason they did that was because they weren't receiving their fair share of the distribution of these taxes from the Long Island Convention and Visitors Bureau. So, for this reason, we are in favor of this •• of Legislator Schneiderman's resolution. We feel that we are entitled to our fair share of the distribution of these tax monies to the East End, and the tourist industry needs it. Thank you.

P.O. CARACAPPA:

I'll do my best.

D.P.O. CARPENTER:

Gurvitz.

P.O. CARACAPPA:

What is it?

D.P.O. CARPENTER:

Andrea Gurvitz.

P.O. CARACAPPA:

Andrea Gurvitz.

D.P.O. CARPENTER:

Gurvitz.

P.O. CARACAPPA:

Gurvitz.

MS. GURVITZ:

Hi. Thank you for the opportunity to speak. I'm Andrea Gurvitz. I'm Executive Director of the Hamptons Visitors Council.

P.O. CARACAPPA:

Are you speaking on all three?

MS. GURVITZ:

I'm speaking on all three.

P.O. CARACAPPA:

Thank you.

MS. GURVITZ:

I have over 30 years experience in marketing tourism destinations, including Puerto Rico, Curacao, Panama, Bermuda, and Long Island, where I was V.P. in marketing for three years.

We •• the Hampton Visitors Council, as Tom described, is an alliance of six Chambers in Southampton, and we have benefitted greatly by our relationship with the LICVB. Of course, we've had our ups and downs, but I can tell you that how did we do this? We are actively involved, we're gadflies, we're on boards, we're on marketing committees, we participate in their advertising co•op programs, and just we keep pressing for our fair share of support, and we've been pretty satisfied over the years. We know that any membership and anything requires frequent contact, participation, and proaction.

And I'll give you one little example of why we don't support fractionalizing Long Island as a destination between Nassau, Western Suffolk and Eastern Suffolk, and bringing the very small marketing dollars apart compared to other destinations, and I can tell you honestly, I worked on Bermuda with 200 million dollars to spend to get to that little island. We •• there's a garden tour that wanted to come to Long Island, and, of course, they wanted to go to Old Westbury Gardens in Nassau, and they wanted to go to Planting Fields in Nassau, but they also wanted to go to Madoo in Bridgehampton, and they wanted to go to Jack _Leno_ Larsen's place in East Hampton, and they also wanted to go to Bridge Gardens in Bridgehampton, and they also wanted to stay in Montauk. So, this garden group, this little garden group, and there are hundreds of groups like this, would not be coming to Long Island unless we •• they could see both counties, each •• the gardens in both •• in both counties. And so, this is one little example of how fractionalizing the dollars, the marketing approaches will just not work.

We strongly support the new President's direction. The CVB's had a new beginning. We believe the Bureau should be given a chance to perform and demonstrate how professional destination

marketing can get results for Long Island and its tourism regions. Thank you very much.

LEG. VILORIA • FISHER:

May I ask a quick question? I'm sorry.

P.O. CARACAPPA:

Of course.

LEG. VILORIA • FISHER:

I just •• there were two groups from East Hampton. What were the names of the two groups?

I'm sorry. What ••

MS. GURVITZ:

We •• I'm here Hamptons •• the Hampton Visitors Council is an alliance ••

LEG. VILORIA • FISHER:

And the other woman who was ••

MS. GURVITZ:

She was from the East Hampton Business Alliance. By the way my business is in East Hampton.

LEG. VILORIA • FISHER:

Okay. I wanted to hear ••

MS. GURVITZ:

Okay. And, by the way, my business is in East Hampton, so •• my tourism.

P.O. CARACAPPA:

Millie Fellingham.

MS. FELLINGHAM:

Hi, everybody, and thank you for coming today and listening to us speak. But I'm a little nervous, because this is a first for me. I am going to be speaking on all three.

I am Millie Fellingham. I am the Executive Director of the Southampton Chamber of Commerce, and on behalf of the Southampton Chamber of Commerce and its members, and our recognition that tourism is the second largest industry behind real estate.

The Chamber has been actively involved in every •• in leveraging everything the LICVB has done for our region, and that means constant communication, memberships on boards and committees, and taking advantage of programs that help our tourism members. We have been satisfied and know that there is a new beginning, and that our voice will be heard ever more. Southampton will get its fair share of tourism business, so the current LICVB needs at least another year to regroup and show that we are capable of leading Long Island. We are not in favor of the Resolutions 2104, 2014 and 2103. Thank you very much.

P.O. CARACAPPA:

Thank you. Mike Eagan.

MR. EAGAN:

Good afternoon. My name is Mike Eagan. I am the owner of South Bay Cruises, I'm down in Bay Shore, and I will address all three resolutions.

Number one, I'll say I'm opposed to all three resolutions. And just to give you a little background, I have been on the Board of Directors of the Convention and Visitors Bureau since 1998.

Just one point that I wanted to make about Mike Davidson's comments. As a board, I don't believe we are uninformed, I believe we were misinformed by our previous president. Okay? So, I just wanted to get that out of the way.

Also, I am the newly appointed Co•Chair of the Government Action Committee, along with Mike Johnston from Nassau County. If you recall, Mike's hotel is located in Nassau County, but the name of it is the Long Island Marriott.

Okay. As far as the Bill Number 2041, this is a membership organization, the Convention and Visitors Bureau. We have approximately 500 members. Every effort has been made to recruit board members from all over Long Island. The current board has 42 members, 32 of them

which are elected from the membership. So, the proposed member •• the proposed amendment that Legislator Schneiderman has proposed here would empower the County to appoint 13 members of that board.

I'd like to just point out, in the Bureau's current contract with the County, which was signed back in 2001, I'll quote the last sentence. I quote, "All steps shall be taken to avoid even an appearance that the County directs the management process of the Bureau." Now, we all realize that the board member is not supposed to run the day•to•day operations of the Bureau, we're supposed to guide the president and the administration as to how the operation should be run. But I feel at this point in 2041 is in direct conflict with the contract that the County has right now.

Going on to the Bill Number 2103, the biggest problem I see there is that we •• once again, we are directly stating how the money should be spent. Legislator Schneiderman's bill goes on to say in specifics as to how the money shall be allocated. And my biggest concern there is if we ever have another catastrophe like we have in the past, whether it be a hurricane, or hypodermic needles washing up on a beach, you won't have the ability to shift that money, whether it be advertising money or marketing money, from one location to another. Our hands will be effectively tied.

So, once again, I'd like to state that I am opposed to all three of the bills. Thank you for your time.

LEG. SCHNEIDERMAN:

Just a question.

P.O. CARACAPPA:

Question, Legislator Schneiderman.

MR. EAGAN:

Yes, sir.

LEG. SCHNEIDERMAN:

First, I want to thank you for going through at least the first two bills. And, I mean, you're correct, the first one deals with the board members, the Legislature being able to put some

members onto the board, and the second one deals specifically with funding caps for things like administration. But the third one you have not spoken to, which deals with the mixing, or preventing the mixing of private and public funds and the steering of public funds toward individual businesses, can you comment on that, since you said you were opposed to it?

MR. EAGAN:

I believe, I think Mr. McGowan could address that probably better than I could, but I was under the impression that we have already segregated those funds. I believe we did •• we did take steps to •• we have a separate account for the membership funds.

AUDIENCE MEMBER:

As of December 1st.

MR. EAGAN:

As of •• they say as of December 1st.

LEG. SCHNEIDERMAN:

Thank you.

P.O. CARACAPPA:

Okay? Thank you.

MR. EAGAN:

Thank you.

P.O. CARACAPPA:

Dr. Gayle Haines.

DR. HAINES:

Good afternoon. I will also speak to the three ••

LEG. LINDSAY:

Please talk into the mike. Thank you.

DR. HAINES:

Can you hear me now?

LEG. LINDSAY:

Yes. Just can't seem to grow any taller these days, I'm just going down.

Okay. My name is Gayle Haines and I represent my own company, Long Island Lighthouse Safaris. I've been working with the board as an active member, as well as an active committee person who has gone out and about with members from Long Island to various states, and I've also traveled abroad, where I've represented the •• all of Long Island.

Being involved with lighthouses, which I'm kind of a, you know, real lighthouse advocate here, we have 18 of them on the Island, and they're all around Nassau and Suffolk County. So, when I speak to people, you know, I look at this and I •• the word that has been coming to my mind is •• I've been listening to everybody speak and I concur with all those who are here representing the LICVB. One thing that hasn't been mentioned is that word "vision". And I think that we have to all have a vision where we work together, and that's why I really can't support the resolutions that •• the three resolutions that have been proposed, because I don't see that it's •• you know, we're all working together. I think that, given time, we can cooperate. We have new leadership, and we have very fine people on our board, and we have, you know, wonderful Legislators here, and I think you're going to get your heads together and you're going to make this work for the benefit of all of the people on Long Island.

Education is the second word that comes to my mind, and then the third, most important, is culture. And on Long Island, our culturalists have been •• we are so diversified. I can remember teaching years ago when, if I saw a child who was from the foreign •• the Far East, that was startling, I mean, and today, even having people who are here from many different countries, it was rather unusual in •• certainly, in West Islip. But we have the international market who is •
• I understand that there are people very interested in coming here to Long Island for the market, because their dollars are stronger here, and they're looking to come out to Long Island, particularly with, or I •• as I was told by somebody from the State, that the film called Sex and the City is very popular over in Europe there •• these people want to come out to the Hamptons.

And I currently am involved in working as a receptive operator, and many people don't

understand what those terms mean or that term means, but a receptive operator is a person who takes groups, works with these people to find places, find what are the events, where do we go, where do we get into •• stay in a hotel, something that is going to be within our •• within their budget, and give them an experience on Long Island, I mean to truly see all of Long Island, not just one little piece of it, to give them a wonderful time, make them want to come back. They leave their dollars here. They spend a lot of money on Long Island.

So, I'll end right here. Again, I'm not in support of the three resolutions. And thank you very much for your time and attention.

P.O. CARACAPPA:

Thank you.

LEG. VILORIA • FISHER:

Thank you.

P.O. CARACAPPA:

Margaret Ramsey. Margaret Ramsey.

AUDIENCE MEMBER:

Not here.

P.O. CARACAPPA:

She's not here? Louis Salvatico.

MR. SALVATICO:

I'll speak for all three resolutions.

P.O. CARACAPPA:

Pull that mike up, please.

MR. SALVATICO:

My name is Lou Salvatico. I am also a resident of Nassau County. I'm a small businessman. We own •• my brother and I and my nephew got into the hotel business about seven years

ago. We built the Wingate Inn in Garden City, and just recently, we decided to move out to Suffolk County. We purchased the Best Western in Riverhead right down the road, and we are building the Holiday Inn Express on Route 58 in Riverhead. So, I'm in a unique situation here. We own hotels in both Counties.

And I think these resolutions are going to hurt the LICVB. And my experience with the •• I'm a board member now, I've been a board member for two years of the LICVB. I was so impressed with them, because, when we •• when we came into business in Nassau, they were very helpful in •• they were helpful in us in running our business, and they're very helpful for the small businessman.

What I'm afraid of is that if we start this treatment, this special treatment for Suffolk County, it's going to create a rift between Nassau and Suffolk, and it's going •• it could potentially lead to the demise of the LICVB.

I know my marketing dollars. Our company's name is _Gerald Properties_ . If I market _Gerald Properties_ , I'll market _Gerald Properties_ , and my Nassau and Suffolk entities will be marketed through that. I have to market them separately now, it's going to cost me twice as much money, and that's what's going to happen with this •• with these changes to the LICVB.

I have a problem with Montauk also. They are quick to condemn the LICVB, but they don't participate. I've been at many board meetings and I never see members from Montauk at our • • at the board meetings, at the events, at the tourism meetings, at the meeting and conventions, so I would be inclined if I was a Montauk hotelier to get involved, and then there would be much more benefits accruing to them.

And on the last note, I personally don't think it's to the benefit of any of us for the government of Suffolk County to get as involved in the affairs of the LICVB as is expressed in these resolutions. Thank you.

P.O. CARACAPPA:

Thank you. Joseph Garofolo.

MR. GAROFOLO:

Good afternoon. My name is Joe Garofolo. I'm a publisher. Our company is Island Publications, and we have been serving the tourism industry on Long Island since we started in 1986. We're opposed to the resolutions.

I've been a board member since 1995. In fact, I'm ending my tenure this month from the •• from the board. And I just really wanted to add some perspective to some of the comments made here today.

One of our publications is called the Long Island Lodging Guide. This is a solely•owned publication, and its main function is to list properties in both Nassau and Suffolk Counties, regardless of the size. It could be the largest hotel to the smallest B and B. As long as it's a bona fide lodging facility, it will get listed in the lodging guide for free of charge. There are opportunities to advertise in there, but that does not preclude anybody from being listed.

Twice a year we publish the Lodging Guide, once in the Spring and then once in the Fall. We print 100,000 copies of both. The Convention and Visitors BUREAU uses our lodging guide as part of its service to not just members, but to the vacationing world who might want lodging information.

At our expense, we put the Lodging Guide on the internet, and longisland.com will get you to the Lodging Guide, and everybody is listed on the internet in the Lodging Guide, again, at no extra charge. I bring this out, because the three hundred and fifty plus properties that are listed in the lodging guide include a •• that's the universe of hotels that we write to, and in Nassau and Western Suffolk, of 119 properties •• I'm sorry, 135 properties, 119 have responded that they want their free listing in the Lodging Guide.

In Eastern Long Island, we've written to 237 properties and only 156 have responded, leaving over 80 properties that simply never responded to being listed in the Lodging Guide for free. Now, albeit, these are smaller properties and some of them are seasonal, but we write to them twice a year to get listed in our Lodging Guide, and if they're seasonal, they •• you know, they can say so in their listing, and that's fine. And I just bring this out, because I know that people have kind of been talking about how the East End is not getting their fair share. Well, you know, for us, marketing Long Island's East End is a big part of the overall marketing of Long Island, and, certainly, it would make our product even better, and more useful, and more

comprehensive if we can give a better picture of Long Island, including what's listed on the East End. And of the 156 •• rather, of the 237, probably about 50 or 60 were East Hampton and Montauk properties that just never responded. We've even tried phone surveys and we've gotten a few that way, but we're going to keep trying to get them listed. We're not going to give up.

But I just wanted to add that perspective. And I'm also in favor •• not in favor, rather, of the • of the three resolutions. Thank you.

LEG. VILORIA • FISHER:

I'm sorry.

P.O. CARACAPPA:

Question.

MR. GAROFOLO:

Yeah.

LEG. VILORIA • FISHER:

I just wanted ••

P.O. CARACAPPA:

Just one second, sir.

LEG. VILORIA • FISHER:

So, you're saying that whether or not they were are members, you know, dues•paying members, they were invited to be listed?

MR. GAROFOLO:

That's correct.

LEG. VILORIA • FISHER:

Okay.

MR. GAROFOLO:

Absolutely.

LEG. SCHNEIDERMAN:

And that's in what publication?

MR. GAROFOLO:

This is called the Long Island Lodging Guide.

LEG. SCHNEIDERMAN:

And that's something that's ••

P.O. CARACAPPA:

Use the microphone, please, Legislator Schneiderman.

LEG. VILORIA • FISHER:

Is that part of LICVB, is that what you're saying?

MR. GAROFOLO:

No, it's not. We allow the LICVB to use it, because it is a listing of all the accommodations in both Nassau and Suffolk.

LEG. VILORIA • FISHER:

Oh, so you're not saying that by virtue of your affiliation with LICVB that you provided this service, you're speaking of a separate and distinct service?

MR. GAROFOLO:

I am, but they all ••

LEG. SCHNEIDERMAN:

Yes.

MR. GAROFOLO:

But the point being that we don't •• we don't segregate between members and nonmembers. If you're listed, if you're a member of the lodging community, you can get listed in the Lodging

Guide.

LEG. VILORIA • FISHER:

But when you're saying "we", who is the "we", is it LICVB or just ••

LEG. SCHNEIDERMAN:

No.

LEG. VILORIA • FISHER:

•• your group?

MR. GAROFOLO:

No, it's my group.

LEG. VILORIA • FISHER:

Okay.

MR. GAROFOLO:

But when they •• the point that I did want to make is when the LICVB hands out the Lodging Guide, it's handing something out with both members and nonmembers listed, so they fully use the Lodging Guide, you know, to help promote the Island.

LEG. VILORIA • FISHER:

They use it as a tool, a promotional tool.

MR. GAROFOLO:

Exactly.

LEG. VILORIA • FISHER:

And it doesn't matter whether the people in it are paying, paying members or not.

MR. GAROFOLO:

That is correct.

LEG. SCHNEIDERMAN:

Right.

LEG. VILORIA • FISHER:

Okay, I see. Thank you.

LEG. SCHNEIDERMAN:

But, Joe •• but just to get a clear distinction, when the LICVB hands out their own travel guide, it lists only the members of LICVB. That's been my observation through the years, and not nonmembers.

MR. GAROFOLO:

That's right. For a couple of years, they tried to do that to help boost membership sales, but I can tell you that that's no longer going to be the case, no members will be listed in the Travel Guide.

LEG. SCHNEIDERMAN:

I'm very happy to hear that, and that's •• you know, for me, this whole thing is a about promoting tourism. I think it's an important industry in the County, it's certainly important in my district, and how do we best promote tourism, and how do we ensure that the tourism dollars is going direct to go promoting tourism? And, you know one of the problems I've had with LICVB is that they are essentially a membership club, and the speakers prior to yourself almost exclusively are members of LICVB and have been able to take advantage of those benefits that are offered to members, and if you're not a member, you're not getting those benefits. And the tax itself was supposed to benefit tourism for everybody, not just for members of LICVB. And there are issues with public funds taxpayer funds being used to benefit individual businesses or individuals rather than the business or tourism on the whole. So, that's really it. The purpose of, you know, why ••

P.O. CARACAPPA:

Legislator Schneiderman, question.

LEG. SCHNEIDERMAN:

Okay. No, I just wanted to make that distinction. Thank you.

P.O. CARACAPPA:

Thank you. Bill Mullaney.

AUDIENCE MEMBER:

Not here, he left.

P.O. CARACAPPA:

Bob ••

MR. SIGHINOLFI:

That's me.

P.O. CARACAPPA:

Sighinolfi. You guys all know Bob? Good afternoon.

MR. SIGHINOLFI:

How are you today? Thank you for letting me talk to you. My name is Bob Sighinolfi. I'm the General Manager of the Hilton Long Island, past President of Long Island Hotel Lodging Association. I'm a board member. I'm the secretary of the organization. And I want to tell you that I've been in six •• I've been involved in six convention bureaus in Chicago, Rhode Island, Hartford, Massachusetts, and it's •• some of them are funded by taxes, some of them are funded by membership. What we do on the Island is phenomenal. We have two hundred and •
• 2.2 million dollar budget.

I want to say I'm talking about all three and I oppose all three, so we're going from there. But we go into •• I look at my hotel, obviously. I get involved with the Long Island Visitors Convention. I make sure I'm involved, I make sure my sales staff is involved. I make sure we attend every meeting there is. I make sure someone from my hotel, and, granted, we take care of business the way it should be done, and that's how I look at it. Granted, I have a big hotel and I can afford that. We move meetings, so that they're out on the East End, so people can attend. We have them in the summer, so that people can attend. There's no attendance.

When you look at what my sales staff does and what the Long Island Visitors Convention Bureau does, we do 30,000 rooms a year in conventions or long-term stays. We do 30,000 rooms in meetings and conventions, and leisure stays. Sixty-five percent of my business is

corporate, 35% of my business is tourism. I find the Long Island Visitors and Convention Bureau invaluable. You can't look at having a cap of 15% of the money used for labor. We do too much. We go to trade shows, we go to conventions. That's important, because all those leads go to every hotel on the Island, all those informations that we get is shared to everyone who's in the membership of the Long Island Visitors and Convention Bureau.

I want to say just some of the examples. We had the New York Firemen Association's hotel for the month of August, they gave us 700 rooms. We had a Gateway, a Jewish organization, gave us 3,000 rooms for the month of April. But we also do weekend packages on •• we do •• we have weekend packages that we promote on the Long Island Visitors Convention website. I just want to say I think it's •• we need to make sure •• I changed the name of the hotel from the Hilton Long Island •• from the Hilton Huntington to the Hilton Long Island, because we need to market Long Island. When I changed the name, people •• we used to get calls from people who were thinking we were at the Huntington Beach Hotel in California. They would talk to my sales people for twenty minutes and find out that we're not even •• we're in New York. The change to making it Long Island was wonderful for us. We became a destination location, and that's what we need to do, we need to market Long Island. I thank you for your time, and if there's anything I can do for you, please ask.

LEG. SCHNEIDERMAN:

Quick question.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just a clarification. You said •• Bob, you said before that the information that LICVB gains at trade shows is only shared with the membership; is that correct?

MR. SIGHINOLFI:

I think it goes to anyone who is a hotelier. I'm not sure. Moke, what does it do?

MR. MC GOWAN:

It goes to only member properties.

MR. SIGHINOLFI:

It goes to member properties.

P.O. CARACAPPA:

Any other questions for the speaker? Thank you, sir.

MR. SIGHINOLFI:

Thank you.

P.O. CARACAPPA:

Charlie McCarron.

MR. MC CARRON:

Thank you for letting me speak today. My name is Charlie McCarron. I own the Barcelona Inn in Sag Harbor, and I am in the Travel Guide, and I'm only 14 rooms, a small motel.

When this tax first came about, some of the other people in the industry that I know assumed that the East End properties, especially small properties like my own, would never see any benefit from this three quarter percent tax, and the money would just be going into somebody's pocket, or we would never see any of it, and as it turns out from the recent revelations, that's exactly what happened.

I was opposed to this tax when it was first implemented, and I really think it should be the responsibility of you people up here to promote tourism, because tourism benefits everybody that lives on Long Island, including the people that work in factories or the people that work in farms, not just the tourist industry itself. So, I'm opposed to the tax, no matter how you reconfigure, or whatever.

The money for tourism should come from the Suffolk County Legislature, that's where the money should come from, because what you're actually doing by taxing people who are already here, I have people coming from Germany, I have people coming from England, and you're actually punishing them for being at the destination that they somehow found. It should be •• and that's not right, you know. The money for •• to promote tourism should come from Suffolk County, from the taxes from all the taxpayers, not just from the people who are already here

who are being punished or from the hotels, because the tourism benefits everybody, not just the tourist industry. You know, a lot of people, you know, think it just benefits the restaurants or the bars, or something, or, you know, out in Montauk with the guys going out fishing and all that. The people who make money in tourism go out and spend it elsewhere, they spend it in grocery stores, they spend it, you know, to pay their taxes. So, I'm •• been opposed to this tax right from the beginning, and I think you people should really consider when this •• I guess it's up on another year, the taxes, that's correct, right?

LEG. SCHNEIDERMAN:

December 2005.

MR. MC CARRON:

Yeah. So, I think you really should give it a lot of thought to abolishing it and let you people sit down and allocate whatever amount of money it is for tourism and take it out of everybody's taxes, all of the County, not just from people who are already here. You're punishing them for being here. Thank you very much.

P.O. CARACAPPA:

Thank you. Moke McGowan.

MR. MC GOWAN:

Mr. Presiding Officer, I would like to give my initial time to another member, if that's possible at this point.

P.O. CARACAPPA:

No, it's not. If you want to use your time, proceed.

MR. MC GOWAN:

Thank you.

P.O. CARACAPPA:

If they signed a card, they'll have their minutes as well.

MR. MC GOWAN:

It was just a matter that they have to depart very quickly.

P.O. CARACAPPA:

If you want to switch ••

MR. MC GOWAN:

Yes, if that would be appropriate.

P.O. CARACAPPA:

Who is it?

MR. MC GOWAN:

Janine.

P.O. CARACAPPA:

Audrey Wigley.

MS. NEBONS:

Janine Nebons.

P.O. CARACAPPA:

I don't have a card for Miss Nebons.

MR. MC GOWAN:

Janine Nebons.

P.O. CARACAPPA:

Oh, okay. Yeah, sure, she can come up now and you can go next.

MS. NEBONS:

Good afternoon. I appreciate your indulgence. My name is Janine Nebons. I'm General Manager of the Tanger Outlet Center here in Riverhead. Our facility in Riverhead is not only flagship property for our company, but it's one of the leading outlet center in the United States, top ranked by trade industry publications, and the reason that we're up at the top of the list and have been since we opened in 1994 is our location on Long Island.

And what's interesting to note is that when people type into the website, they don't know the name Tanger, they type in "outlets on Long Island". And if we were to fractionalize or segment different sections of Suffolk County to east and west, I doubt very much that many people could search by going to outlets in Suffolk County, I don't think most people would be familiar with that.

I'm opposed to all three resolutions, mostly because they are issues that I think deal with the marketing aspect of the business, of the agency, and that's what they are supposed to be doing. Economic oversight I think is a separate issue, and I think that this Legislature should be very careful not to mix marketing and economic oversight. Marketing is a very expensive business to be in based on my experience you need a lot of money, you need critical mass, and you know an add in a magazine tourist magazine better homes and gardens, for example, one add could cost 50, \$75,000 that's going to run in the targeted parts of the country that you want to try to entice those people to come to Long Island to our area. If you were to really break up that budget, according to the proposed resolution, you would so minimize the dollars available, even though you might extend to co•op opportunities with partners, that the ability to have a really effective marketing plan because of the cost of marketing would be greatly diminish.

And finally, by way of experience, our company operates in I think about thirty•eight states right now, and if one were to take a look at the history of Tanger Outlet Centers and success stories, they also would find a couple of failures. And to name two of them, we had •• our company chooses to put shopping centers in tourist destination areas, both those tourist destination areas, interestingly, where we failed were in places that had their tourism marketing tied to what they call the City Council. We don't have cities on Long Island, we have counties, it would be the same thing. And in the two locations, where the City Council made all of the decisions and had very little money collectively compared to the competition that came from the cities that they were competing with, their feeder markets, they went away and slowly died. I don't know how •• I'm sure all of you know Portland, Oregon, but you don't know McVinnville, and it's only, you know, 35, 45 miles outside of Oregon. And the whole project failed and the city's tourism failed, because they were myopic in their approach. They kept the budget •• they wanted it managed by and for the people that lived in the town, and on paper that sounded great, but in reality, they cut off their noses to spite their face.

And another good example would be, you know, Tulsa, Oklahoma. We had a center in Stroud, just 40 miles east, northeast, southwest, I'm not exactly sure where, that also failed, and it was a city co•op marketing approach.

P.O. CARACAPPA:

Ms. Nebons, your time has expired. There is a question by •• from Legislator Caracciolo.

MS. NEBONS:

Hello.

LEG. CARACCIOLO:

Hi, Janine. Nice to see you here. I believe the last time you were here, you were lobbying against taxes, particularly the reinstitution of the clothing and •• the sales tax on clothing and footwear on \$110. As you know, it's been reimplemented. And my question has to •• I have one question in that regard. But, as far as your consumer base, people that come to Riverhead Tanger Outlets, I know you do marketing surveys, you do outlet surveys right there, what percentage of your consumer base comes from Suffolk County versus out of County?

MS. NEBONS:

Of the •• of our entire base, approximately 27% is Suffolk County.

LEG. CARACCIOLO:

Do you break that down within the County?

MS. NEBONS:

We do. I can go down to a three digit zip, I can go to a five zip. We can go all the way up.

LEG. CARACCIOLO:

Great. Would that information be available to us?

MS. NEBONS:

I could share that with you, sure.

LEG. CARACCIOLO:

Thanks. Okay. Now, more on point in terms of the way the LICVB has operated, have you been on the board, have been involved with the oversight in any manner, shape or form of how they operate?

MS. NEBONS:

I have been on the Board of Directors for the LICVB since I think 1994, and term limits, my board position is expiring the end of this year, so I have served on the board for eight years.

LEG. CARACCILO:

Okay. I'm not a member of the Economic Development Committee where I know this issue has been aired and has •• aired •• been aired extensively, but try to help me understand how the situation with

Mr. Hollander was able •• how it came about and how there wasn't sufficient oversight and protections in place to preclude the type of activities and abuses he's been charged with.

MS. NEBONS:

Well, as a member of the Board of Directors, I can say that the •• what the audit has turned up, in what I've read in the newspaper, were not issues that ever were brought to my attention on the board. I did not serve on the Executive Committee, and I served mostly on the marketing committee, so issues that had to do with the financial controls and audits were •• you know, I wouldn't have attended those meetings.

LEG. CARACCCIOLO:

As a member of the board, did you have an opportunity to vote on the annual budget?

MS. NEBONS:

Oh, yes, sir.

LEG. CARACCCIOLO:

Okay. And you had no objection to then or now, or as proposed with Mr. McGowan, how those allocations would be appropriated, in other words, the percentages, where the money will be spent?

MS. NEBONS:

Right. No. We had marketing meetings ahead of time and other •• a lot of board discussion about, you know, how money was going to be spent and where it would be spent.

LEG. CARACCILO:

Are there minutes kept of those board meetings?

MS. NEBONS:

I believe so.

LEG. CARACCCIOLO:

Okay. And those minutes would be available to us?

MS. NEBONS:

I believe so.

LEG. CARACCILO:

Okay. All right. I just want to, as we proceed with these resolutions in their current form, or as they may be amended, try to get a real grasp of what happened, how it happened, and to make sure that there'll be sufficient safeguards, either with County oversight or otherwise, internal oversight, to preclude those types of abuses from ever occurring again. So, thank you for your testimony.

MS. NEBONS:

You're welcome. And I think we all agree, it's •• economic oversight is one issue, marketing, fractionalizing, segmenting Long Island is another issue. Thanks very much.

P.O. CARACAPPA:

Hold on, hold on. Legislator Alden.

LEG. ALDEN:

Just to pick up on one, I guess, line of questioning that Legislator Caracciolo came up with, were you aware that three years ago in the •• and it was in Consumer Protection Committee, there •• I had the resolution passed that would require the Long Island Convention and Visitors Bureau to come before the Legislature once a year and report on what your marketing was going to be, what your budget was going to be? It was at the same time when I discovered

that there was three hundred and something thousand dollars worth of overpayments made to LICVB and that there was lavish spending on the part of Mike Hollander, and that's really the start of the problems where it went downhill. So, was the board aware of at that time?

MS. NEBONS:

I can't recall right now, you know, three years ago. I'm sure that •• you know, the way that the organization was structured, there were various committees, and in my mind, the question you're asking me now probably was shared by the government committee.

LEG. ALDEN:

Okay.

MS. NEBONS:

But I don't specifically recall discussing a Legislative call for oversight, I don't specifically remember that.

LEG. ALDEN:

Okay. But when you go back to the board and you start discussing that and looking at a little history, because I know Legislator Caracciolo has asked you to come back with a little bit of a report on how it had started, if you could try to pick it up at that point and find out that •• you know, what the board did know, if they knew that there was an obligation on their part, as •• and it's as far back as three years ago now to report. And, also, about that •• the overpayment that was discovered and what had happened to that, because we really actually •• we don't even have evidence right now that it was properly repaid.

MS. NEBONS:

I'm sure all of •• all of the conversations are in the minutes.

LEG. ALDEN:

Okay.

MS. NEBONS:

There was a lot of discussion. I just can't specifically recall ••

LEG. ALDEN:

Okay, thank you.

MS. NEBONS:

•• specific issues.

P.O. CARACAPPA:

Thank you.

MS. NEBONS:

Okay, thank you.

P.O. CARACAPPA:

Moke McGowan.

MR. MC GOWAN:

Honorable members of the Legislature, Mr. Presiding Officer ••

P.O. CARACAPPA:

Speak into the microphone. Thank you.

MR. MC GOWAN:

Thank you for this opportunity to be here today. I've had the opportunity to speak individually and to address the Economic Development Committee since my tenure began back in the middle of August, and I have also very much appreciated having the input and the thoughts that have been brought forward during the testimony here this afternoon.

I think one of the things that is missing from the discussion thusfar and, certainly, Legislator Caracciolo, I think your concerns, your comments are well taken and well understood. Certainly, that's something I'm not necessarily able to dress, but I think what we have to keep in mind is that when we're talking about this industry of tourism, while the Convention and Visitors Bureau is a part of that, we're really talking about an industry that has some economic value of 4.3 billion dollars to the Island as a whole, and employs some 90,000 Long Island residents, two•thirds of which I understand reside here in Suffolk County. And I bring that up because working to drive that kind of business is not something that the Bureau is solely

responsible for, it takes a total complete collective effort of the Bureau working in conjunction with our business partners, who are members, with those individuals and businesses who are not members. It takes us working together and in concert with chambers of commerce and regional tourism organization within the Island.

I just got back last week from an organization called the New York Association of Convention and Visitors Bureaus. There are 16 Convention and Visitors Bureaus in New York State itself, all of which •• 15 of which are our direct competitors. And I speak in opposition, obviously, to this legislation, because we don't need to create competition in our own backyard, we don't need to create competition within our own county, we need to come together and to move together in a very strong marketing approach to counter and beat out the competition off of this Island in order to better drive business.

The hotel tax, while collected throughout the County, is really a means to an end. It's our ability to be actively engaged in this highly competitive arena, and it takes every hotel, every attraction, every retailer, every restaurant to be on board with that concept.

I've heard many times that a rising tide raises all ships, and this is truly a case where that is the situation, pulling together, working to counter the competition of New England, of the Carolinas, and I used to be there marketing, promoting and selling against New York. If you will, the Bureau is somewhat like a large shopping mall where we have, if you will, some very strongly branded retail entities, and a multitude of less •• lesser known shops. Our job really is create that image, that desire of the consumer to come here, to get into this mall, and so that • • and create an opportunity, an atmosphere, an environment in which our tenants, our partners can better take advantage of the opportunities.

I'm going to wrap up just basically by saying I think that leadership, quality leadership really relies not on dwelling on the past, but learning from it and focusing on the efforts of the future. We have the wherefore both from a technical staff perspective, the knowledge, the experience, the skills to be able to do an incredibly effective job. This is an incredible product, and I think that we can, if provided that opportunity, move forward both productively, aggressively, and, if you will, to the benefit of not only all Long Islanders, but all residents of Suffolk County. Again, thank you for your time.

P.O. CARACAPPA:

Thank you. There's a question. Legislator Caracciolo.

MR. MC GOWAN:

Yes, sir.

LEG. CARACCILOLO:

Thank you, Mr. Chairman. First, let me congratulate you, Mr. McGowan, on taking on this new assignment and responsibility. I know each of us looks forward to working closely with you in the months ahead. But if you could just succinctly express to the Legislature how you envision the abuses of the past, but will not be repeated in the future. What safeguards and self •policing methods will now be in place that weren't there formerly?

MR. MC GOWAN:

I'm actually I think the beneficiary of ultimately of Mr. Sawicki's audit and the wake•up call that it created for my organization, not only the Board of Directors, but the Executive Committee. Almost immediately before I came on board, by middle of August, the Executive Committee had already taken steps calling upon elements within that audit to create more stringent policies, and procedures, and oversight, to provide better oversight both financially and operationally of myself and my staff.

For instance, and I do apologize •• first, let me address this. During the Economic Development meeting, the request came up that I provide this information directly to members of that committee. The day •• following day I was in Albany, as I was in Friday. That information was actually put in the mail to you today. It is a list of the policies and procedures that were developed and are now in place that address everything, or a number of things, from the size of checks I can sign, the dual signatures required on various other checks. We write a tremendous amount of checks. We have required a dual signature of myself, plus one other, our Chairman or our Treasurer, for anything over \$5,000. Any operational expenses before we have contracted for them over \$5,000 I need to have the Executive Committee and the Board's approval to move ahead on that. We are bidding out all of our contracts now, whether they are our advertising contract, if we continue the PR contract, which we will not be doing so, that would be bid out. Our internet service provider and website developer, that contract, likewise, will be •• will be bid out, and a multitude of additional controls that are now in place that were not there before I arrived.

LEG. CARACCILO:

Okay. And you're going to provide that to the committee and the Legislature as a whole or ••

MR. MC GOWAN:

We were •• it actually went out to the committee. I'll be more than happy to make sure it gets to the Legislature as a whole.

LEG. CARACCILO:

Very good. And, finally, just with respect to, again, the abuses that Mr. Hollander's been charge with, the alleged abuses, what safeguards are now in place insofar as your expenditure of LICVB funds? What changes have been made, and have there been any personnel changes internally as a result of Mr. Hollander's retirement, or resignation, I should say.

LEG. ALDEN:

Arrest.

LEG. CARACCILO:

Well, he resigned initially, I think, before that.

MR. MC GOWAN:

I'm not sure I understand the final of the question, have there been any changes internally within staff or among staff. All of our staff who are involved in the sales arena or even the marketing arena, A, they need to, before they travel on business, seek my approval. I sign their check, I look at that against what I signed an approval of. Second, any travel and entertainment expenses that I may look to expend, I need preapproval by both our Chairperson, as well as our Treasurer. They sign off an approval form. When I return from that travel or those •• and submit the travel and reimbursement expenses, it is measured against what I submitted for preapproval.

LEG. CARACCILO:

And I assume that is different now than it was in the past?

MR. MC GOWAN:

Absolutely. There were no controls in the past. Second, such elements as our staff taking each other out to lunch, and things of that nature, that is a thing of the past. There are times, and I think we all recognize it, where the only time we will be able to really connect with another individual is over the lunch period, but I'm talking outside of the staff. If I need to meet with either a client or a partner, where the only time I can do it is over lunch, then we'll work in that direction, but that is to me the only justifiable expense for lunches.

LEG. CARACCILO:

Are there also prohibitions in place to prohibit political ••

MR. MC GOWAN:

Yes, we have ••

LEG. CARACCILO:

•• activism.

MR. MC GOWAN:

Yes, sir. We have •• by December 31, we have already made •• taken the steps forward to disband and dissolve the Political Action Committee. The paperwork is being completed. We are returning the funds to the contributors to that PAC. We are following a lined approach provided to us by our attorneys to be in line with IRS requirements to do that.

Second, we have also, and then I think you'll see it in these policies and procedures, that the Bureau will not be engaged in support of any political •• direct political contributions or engaged politically with either candidates or programs that don't directly affect the industry as it were.

LEG. CARACCILO:

So, if you or anyone else from the LICVB, and including the members of the board that may be acting in an individual capacity as a business owner, had occasion to have lunches, was alleged in newspaper reports where Mr. Hollander was alleged to have taken a Legislator from Nassau County, Lisanne Altman, as well as Legislator Binder to lunch, and attend fundraisers, both of which those Legislators denied ever taking place, if those activities were to continue, would that be done in an individual capacity?

MR. MC GOWAN:

It would. If I were to, for instance ••

LEG. CARACCILOLO:

In a •• and personal expense?

MR. MC GOWAN:

•• ask you to lunch or a breakfast meeting, or something of that nature, and we're going to discuss the Convention and Visitor Bureau or the tourism industry, I think that is a legitimate expense. However, I do need to have the signatures of both my Treasurer and my Chairman on my expense report. They could deem that not an appropriate business expense and it would could come out of my pocket.

LEG. CARACCILOLO:

That approval would be sought at or before the fact?

MR. MC GOWAN:

That would normally be sought after the fact in a reimbursement capacity.

LEG. CARACCILOLO:

Okay, thank you.

LEG. SCHNEIDERMAN:

Joe.

P.O. CARACAPPA:

Legislator Schneiderman.

MR. MC GOWAN:

May I •• may I also address one other thing, Mr. Caracciolo? We had a very, very productive meeting with the Comptroller, Mr. Joseph Sawicki, last week. We discussed some of these questions, some of the policies and procedures. We discussed elements of, for instance, the need or the potential need to take individuals, or to pick up the cost of a lunch with an individual in a business capacity, and he felt that that was an appropriate expense. But I think part of what we likewise need to do is develop that dialogue with Mr. Sawicki, so we have a

better sense and understanding of what may or may not be on the cusp of appropriate or inappropriate.

LEG. CARACCILO:

Thank you.

LEG. SCHNEIDERMAN:

Mr. McGowan, can you describe for me and the Legislature what steps you've taken on the issue of commingling to separate out the public taxpayer funds from the private membership funds? And, also, since your Board of Directors still, and I don't know, unless you're changing this, is entirely appointed through the membership of the organization, to guarantee that those public funds won't be directed toward particular businesses or members?

MR. MC GOWAN:

There is •• first and foremost, December 1, we did open a checking account that will be totally funded in and out, the expenditures, out of that particular checking account for our membership dollars, as well as dollars generated through the membership, such as cooperative advertising dollars where they work with us. I will say that we •• we opened that account with \$500 of public money in order to get it off and operating in the first •• private sector dollars that will come into that fund will replace it, and that will be the end of it. We will have a full •• the ability to fully account for the dollars going in and dollars going out. We will not repopulate that account with any public dollars in the future.

Second to that is we had in the past, and why did it take until December 1, I had been assured that we had an account set up, and, in fact, there was an account set up, but it was an internal accounting. What I wanted to do was have a complete, total separate physical account, no questions asked.

Second, with regards to your question on driving business to a particular business ••

LEG. SCHNEIDERMAN:

Yeah. Assuming that through the separate bank accounts, and the funds will be separated, and the membership funds can then be put together to promote those members specifically, but the hotel taxes would be to promote tourism specifically, not just the membership, and the concern is because the Board of Directors making those decisions are only selected through the

membership that I'm curious as to if there's any safeguards that you've put in place to make sure that that type of steering won't occur.

MR. MC GOWAN:

Well, as far as the direct driving of business, we are, at this particular point, a 51C3 business association, and so, in return for the financial support that our members provide us, we have provided benefits in the past, and we will •• we will continue to do so. How that manifests itself is probably the question.

What I tend to work at and the direction I tend to come from, and I am working both with my board and my Executive Committee on this •• on this •• within this arena, is that we need to be more concerned about the customer, the consumer, and providing them with the information that allows them to make Long Island their choice of vacation destination, as opposed to limiting the information we provide to them only to that of our membership. In that light, you heard from Mr. Joe Galfano ••

MR. GAROFOLO:

Garofolo.

MR. MC GOWAN:

Garofolo from Newsday, from Island Publications, who produces a Lodging Guide, and, traditionally, in the past, our travel guide contained only information on Long Island, only information on member •• Bureau member hoteliers. What we have done is we have taken the lodging out of the Travel Guide for the 2005 addition. I did it that for a couple of reasons. I needed the editorial page to create more of a sales piece in that Travel Guide, and second to that, to utilize and to work with our private sector partner at Island publications to develop a lodging guide that does address all of lodging within Suffolk County. So, to me, it was a much more efficient use of our funds and our programs.

P.O. CARACAPPA:

Okay? All right. We're done?

MR. MC GOWAN:

Thank you.

P.O. CARACAPPA:

Thank you, sir. To let my colleagues know, we have •• still have about 35 cards, and a few other separate hearings to go here. Audrey Wigley.

MS. WIGLEY:

Hi. I'm Audrey Wigley from the North Fork Promotion Council, and I'm speaking on all three issues.

We have grown in the last 23 years on the North Fork, not only in our promotion council, which is the joint Chambers of Commerce, the wineries, the bed and breakfast associations, and other major groups on the North Fork, but our industry has grown to be, as you all know, the wine industry, the second biggest industry behind real estate. Trying to keep that industry alive is paramount to us, it is our livelihood. It whether •• the fact whether our children are going to be staying or whether we do hit that real estate market and leave. So, the tourism industry and the funding that goes towards it is very important to us.

We have worked with the LICVB since before we were even on their map. We were not a destination, we were nothing, and we've grown along with them to watch where funding goes. We've knocked horns with them to get the funding, and we have policed them ourselves. I think we have written a number of letters to let you know what was going on when we thought something was astray, and probably not enough when something went right.

So, what we're asking is that you oppose these proposals, because we need another chance to work with the LICVB. If we tear apart the communications that we've worked for 23 years on in building all of our co•op advertising, we're back to square one. Thank you very much.

P.O. CARACAPPA:

Thank you. Ben Zwirn, for the second time.

LEG. COOPER:

I think he's in the back.

P.O. CARACAPPA:

Ben.

AUDIENCE MEMBER:

He's in the back office.

P.O. CARACAPPA:

All right. I have no other cards on that hearing. Anyone else wishing to be heard?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. CARACAPPA:

Mr. Zwirn's on his way. You're up, Ben.

MR. ZWIRN:

Oh. I was going •• we were working on some CN's back there and some other things. But with respect to these bills, with respect •• on the Long Island Convention and Visitors Bureau, the County Exec would just reiterate that he is supportive of Legislator Carpenter's bill, 2095. Legislator Caracciolo has a bill that's in committee that I think deals with a lot of the changes that they've been made within the organization, and that we are in favor of the regional approach, and would like to give Mr. McGowan and the Association at least sometime to make some of the corrections and get •• and get the board moving in the right direction. So, we would oppose the bills that are on the table that Legislator Schneiderman had proposed.

P.O. CARACAPPA:

Thank you.

MR. ZWIRN:

Thank you.

P.O. CARACAPPA:

I have no other cards. Motion to close by Legislator Schneiderman, second by myself. All in favor? Opposed? Abstentions? Public hearing on 2041 is closed.

2060 • A Local Law to protect minors against drivers of street vending vehicles. I

have one card, Laura Ahearn.

MS. BURKHARDT:

I think she left, Joe.

P.O. CARACAPPA:

Laura Ahearn.

LEG. MYSTAL:

She's gone.

D.P.O. CARPENTER:

Motion to close.

P.O. CARACAPPA:

Motion to close by •• I have no other cards. Anyone else wishing to be heard? Motion to close by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions? 2060 is closed.

2061 • A Local Law to permit seizure of vehicles of unlicensed home appliance repair (businesses). I have no cards. Anyone wishing to be heard? Motion to close by Legislator Carpenter •• Nowick, seconded by Legislator Lindsay. All in favor? Opposed? Abstentions? 2061 is closed.

Public hearing on I.R. 2102, a Local Law to promote the health of Suffolk County residents by limiting non-essential use of toxic chemical pesticides in Suffolk County. (Schneiderman). We have a lot of cards. First speaker is Elizabeth Harrington. I'd ask the County Executive's people, you know, if you're going to fill out cards, please be here.

MR. ZWIRN:

Mr. Presiding Officer, my understanding is that this bill was going to be recessed, and that's why Ms. Harrington's not ••

MS. KNAPP:

SEQRA's not complete. SEQRA's not complete

MR. ZWIRN:

SEQRA hasn't been completed yet.

MR. BARTON:

Mr. Chairman, the SEQRA is not complete, but the public hearing hasn't been canceled.

P.O. CARACAPPA:

Excuse me?

MR. BARTON:

We still ••

LEG. MYSTAL:

Motion to •• oh, motion.

MR. BARTON:

We still have the hearing. The hearing is in place.

P.O. CARACAPPA:

The hearing's in place.

MR. BARTON:

Right.

P.O. CARACAPPA:

Yeah, of course. We could ••

LEG. BISHOP:

Yeah, but he's saying it's going to be ••

P.O. CARACAPPA:

He's saying he's going to come back and speak on it another time.

MR. ZWIRN:

Correct.

LEG. BISHOP:

Adjourn.

LEG. MYSTAL:

No, no, no, no.

MR. BARTON:

It's got to be recessed.

LEG. BISHOP:

Recess, I mean.

P.O. CARACAPPA:

Yeah. Because it's recessed, they can speak on it again. Mr. Zwirn is saying they'll take the opportunity to speak at that next hearing.

LEG. BISHOP:

Right.

MR. ZWIRN:

That's correct.

LEG. BISHOP:

You're all right. We're all on the same page.

P.O. CARACAPPA:

Some of us are. Mike LoGrande. He left.

LEG. SCHNEIDERMAN:

He gave a document that he was going to present today, so ••

P.O. CARACAPPA:

Just give it to the Clerk. Sue Avedon, Avedon.

MS. AVEDON:

Good afternoon. My name is Sue Avedon. I am the Co•Chair of the South Fork Groundwater Task Force. I'm also a member of the East Hampton Environmental Health Committee. I'm here to speak in favor of this bill.

This bill has to do with the use of pesticides for the purpose of •• for aesthetic purposes, so that pesticides, at the present time, can be used, so that you can have the very greenest lawn in town. My concern is that of the health of our community. In order to have this beautiful green lawn, we are putting our health and our children, and our grandchildren's health at jeopardy.

A new study was just reported by Newsday on December 1st that linked pesticides with cancer, specifically in this case, with lung cancer. For the first time, there were actual people studied, as opposed to lab, animal lab studies, and 65,000 people were studied, and there was a link found between the use of pesticides and lung cancer.

Of great concern, too, is our children. Children have greater exposure to pesticides, particularly pesticides that they use around lawns, gardens, etcetera, because they're closer to the ground, they tend to put their hands in their mouth, they get into the dirt in the way that adults don't, and their risk is greater because they are developing, organs are developing, and, therefore, it makes them much more vulnerable.

Pesticide exposure in children has been linked to learning disabilities, attention deficit disorder, behavioral disorders, and there's a significant increase in the number of child •• childhood brain cancers. As a matter of fact, there were studies done at Mount Sinai School of Medicine. After injury and violence, cancer is the leading cause of death in children, and this has increased dramatically over the last few years, over the last few years since DDT and other chemicals have come on to the market. When I say few years, I'm really talking about the last 50 years.

Endocrine disrupters, which are included in pesticides, have been linked to the reproductive systems, particularly in males, so that there's reduced sperm motility, and there are sperm

defects of much greater numbers that have been found. Also, endocrine disrupters have been linked to breast cancer. I would defy anyone in this room to stand up and tell me he doesn't know somebody personally or somebody in his family who has not suffered from breast cancer. Right ••

LEG. ALDEN:

That's not fair. They all know that I had breast cancer, so ••

MS. AVEDON:

Well, it happens between men and women. I've had breast cancer. And I think, if we ask people to stand up anywhere, you know, how many of you have either had, have a brother, sister, mother, who've had breast cancer, you'd be shocked by the numbers. And that •• endocrine disrupters, which are in pesticides, are linked to the incidence of breast cancer. One in seven, by the way, is now the number, okay, one in seven. Think about that. Think about a big movie theater. Ask one in seven people to stand up, breast cancer. Okay. Now, the relationship between all of this and trying to limit how pesticides are used.

The last study by the Suffolk County Health Department, what I think was in 1999 or 2000, I'm not absolutely positive when they were still testing the wells, they were doing the well testing, 50% of private wells tested and 23% of public wells, public wells, were found to have detectable levels of pesticides, so that we have exposure, it's there, it's out there, and we see what the health risks of this •• of this exposure are.

We know that pesticides, now that they're doing body burden testing, where they're testing the blood of people, they find all kinds of chemicals, including pesticides, in our blood. It's been found in mothers' milk and in amniotic fluid in pregnant women.

There is a similar bill up in Albany, which has been stalled in committee for a few years. It doesn't seem to be going anywhere. I really urge, and I know that there are technical problems in overriding the power that the State has over this issue. If there is any way to do it, let's do it. Let's do it. Let's be a model. Thank you.

P.O. CARACAPPA:

Thank you. Prudence Carabine. Carabine.

LEG. ALDEN:

Question of procedure.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I have a question to Counsel. If we have a piece of legislation that the SEQRA is not completed on, can we legally hold a public hearing on it until that SEQRA is completed?

P.O. CARACAPPA:

Yes, but you just can't close it.

MS. KNAPP:

You can hold the public hearing, you can't close the public hearing until the SEQRA is complete.

LEG. ALDEN:

Okay, thank you. That was it.

LEG. CARACCILO:

Mr. Chairman, before ••

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILO:

Thank you. Just a quick question to Counsel on preemption. Are we preempted by State law?

MS. KNAPP:

That's a •• at this point in time, it's an unresolved question. The weight of the authority appears to be against us. However, there is one Supreme Court case that has been cited a number of times. I haven't run down all of those cites yet. And I'm also looking in some environmental law journals. This one is •• it's not a •• you know, it's not one that I would tell you we're on •• it's not an easy legal question.

LEG. CARACCILO:

Okay. Still being researched.

MS. KNAPP:

Yeah. We may be breaking some new ground.

LEG. SCHNEIDERMAN:

Can I on that? Can I just remind the Legislature, too, that we have in the past in questions of preemption moved forward with courage, such as on the bottle bill, the cell phone ban, the Ephedra ban, AWOL earlier this year.

P.O. CARACAPPA:

We understand.

LEG. SCHNEIDERMAN:

There's been many, many times where we have done ••

LEG. ALDEN:

We're not debating the bill now.

LEG. SCHNEIDERMAN:

Done the right thing.

LEG. ALDEN:

We're not debating the bill.

P.O. CARACAPPA:

Ma'am, the floor is yours.

MS. CARABINE:

Thank you very much. My name is Prudence Carabine. I'm twelfth generation Bonaker, born and raised in East Hampton. I'd like to tell you a little story that I hope you will listen to and understand the tragedy and the courage that some of us have shown in East Hampton.

As I said, as a twelfth generation Bonaker, I went to East Hampton High School, graduated in 1966, my mother graduated in 1940, my grandfather graduated in 1916, my son graduated in 1990, and three years later, he was diagnosed with a brain stem glioma. Sadly, my godson was diagnosed with Ewing Sarcoma, which is a bone cancer. Within about eighteen months, thirteen others of their friends and classmates, all graduates of East Hampton High School, have been diagnosed with cancers, which they are all currently fighting. Nobody has succumbed. My son was able to get into NIH cancer research and has had two years of chemotherapy and is alive today, but one never knows about next year. Most of these cases were Hodgkin's and non-Hodgkin's cancers, all in young people between the ages of 18 and 26.

East Hampton High School •• imagine yourselves graduating from high school and then having people all around you get very, very sick. This was a difficult time for East Hampton. East Hampton is a small town underneath the glitz and glitter, and it was a very difficult time. There was a lot of fear, a lot of concern. Out of that fear and concern came the East Hampton Town Cancer Task Force. And in the last two years, the Task Force has morphed into the East Hampton Town Environmental Health Advisory Committee.

In that capacity, as a mom and a godmom, and a friend to all these 15 people, all of whom my kids know and I know, I beg you to show the leadership that is necessary to take these materials off the market.

East Hampton is a beautiful place. I'm 57 years old and I grew up and it was beautiful. It was beautiful. Now, it's even more beautiful, but there's a cost to that beauty, and we all know that. Jay, and Sue, and Larry Penny and I worked to create the PURE campaign, Pesticide Use Reduction Education. It's beginning to be an accepted way of looking at things in East Hampton. We'd like to see that grow. Not all of our lawns have to be so beautifully clean of crabgrass.

Please, take the leadership that's necessary. My son is struggling to live, my godson is struggling to live. We are depending on your leadership. We have tried to do the education that's necessary in the Town of East Hampton to limit people's needs for these chemicals. We found it's easier to do that than to sit with a parent who has buried a child, which also happened in East Hampton, with a brain stem glioma. Thank you.

P.O. CARACAPPA:

Thank you very much. Gary S. Carbocci.

MR. CARBOCCI:

Thank you. I'm Gary Carbocci.

P.O. CARACAPPA:

Just, Mr. Carbocci ••

MR. CARBOCCI:

Yes.

P.O. CARACAPPA:

•• just speak right into the microphone. Lift it up. Thank you so much.

MR. CARBOCCI:

Gary Carbocci. I am a member of the PCA, Professional Certified Applicators of Long Island, and I'm also a resident of Suffolk County. And I see some things that I'd like to bring to the table here about some flaws in what may be a good intention. This law is, or this bill is a good intention, and I can see that, and it is the intention to provide Suffolk County with clean water, but there are some flaws.

And, if I might, just an analogy, a simple analogy. It will take me a few seconds, because •• the word is pancakes. My grandson •• I love pancakes and my grandson wanted to make me pancakes, so Sunday morning, he decided to make me pancakes, and he and his friends come over and they put together pancakes, and their intention was to treat me really well and make me a delicious meal. But their intentions were great, but the results were terrible, awful. They're not chefs, and they didn't even use a cookbook.

You have a cookbook available to you, it's the Department of Environmental Conservation, and they're brilliant. And there's some serious flaws in this bill that you should discuss with them before putting this forth, because, if you can't see them, you need help, and we're paying for that help. We're all paying for it, and we all want clean water.

I live here in Suffolk, my grandson, who loves me, and I don't deny that, lives in Suffolk, and I don't deny the fact that you love Suffolk County, too, and your intentions are wonderful. Give us clean water, but let's do it properly. Consult with the proper authorities. You have them available, use them. And that's all I had to say.

P.O. CARACAPPA:

Thank you, Mr. Carbocci.

MR. CARBOCCI:

Thank you.

P.O. CARACAPPA:

That was a good analogy, I might add. Patricia Voges.

MS. VOGES:

Hi. I'm the Executive Director of the Nassau•Suffolk Landscape Gardener's Association, and most of you are used to seeing my husband here. He is the Government Affairs person. I'm actually here to read into the minutes a statement from Joe Gergela from the Farm Bureau. However, after listening to these people, I'm going to submit these •• this statement from Joe and not read it.

D.P.O. CARPENTER:

Thank you.

MS. VOGES:

But there is one thing in here. Pesticides are regulated by the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, and at the State level, by the Department of Environmental Conservation.

There have been many, many suits brought by local government that want to regulate pesticides and they've all been killed by the Appellate Division, the Appellate Courts. It is regulated by New York State.

I've been in this industry for 35 years and I listen to all this cancer stuff, and I agree, that it's

horrible and •• but there's been nothing, absolutely nothing conclusive in the fact that it is pesticides that cause cancer. I go to all the _BSURF_ meetings, I go to all the science health board meetings. We educate landscapers, that's what our association does. We've put out a brochure, hired a professional. We try to use IPM in our industry. We don't abuse pesticides. We run courses, so that County employees can come and become recertified. We don't see a heck of a lot of them. There are many, many educational courses out there to tell you how to safely use pesticides. It's something that is needed on the Island. It cannot be eliminated.

So, at this point, Farm Bureau, as well as Nassau•Suffolk Landscape Gardener's Association, is opposed to this bill. I will submit these.

[SUBSTITUTION OF STENOGRAPHER • DONNA CATALANO]

P.O. CARACAPPA:

There's questions. Legislator Caracciolo.

LEG. CARACCIOLO:

Hi. Within the industry of applicators, are there any statistics, mortality data, available as to the long term effects of those who use the products on a regular basis, either locally, throughout the state, throughout the country?

MS. VOGES:

The New York State Turf Grass Association just put out a whole brochure on the industry financially. Whether or not it has in there any of the health things, I'm not sure. It only came out last week. I haven't had a chance to really read it. I'm not 100% sure.

LEG. CARACCIOLO:

I mean, where would we go to look for information like that besides that particular source? I mean, 35 years in the industry is a long time. As you think back before safeguards were mandated, I'm talking about protective gear, gloves, face masks and so forth, do you have a recollection that there have been a lot of people in the business that have succumbed to cancers or other fatal illnesses that have caused them to die prematurely?

MS. VOGES:

No. Have there been some? Yes. But with the numbers of landscapers and people in that

industry, nursery men, farmers, whatever, I don't find it •• you know, through hearing about it, I haven't heard of a lot of people. Golf courses, I mean, there are so many people that are involved in this industry that, no, I don't see a high percentage rate.

LEG. CARACCILO:

Mr. Chairman, I do remember a couple of years ago the Health Department speaking to this issue in context of pesticide use and where they found high concentrations. And everyone had assumed that they would be found on golf courses, because let's face it, most •• especially private golf courses, at that time it was assumed used very heavy doses of applications of pesticides and others that would some how demonstrate themselves in groundwater contamination. And there were no conclusive results to that effect. In fact, of a lot of the wells both private and public where pesticides did appear were not even in close proximity to those golf courses. So I don't know if there is or isn't a link, and maybe we need to hear from the Health Department further about what subsequent studies or information is available to would substantiate a cause and effect relationship.

P.O. CARACAPPA:

Absolutely. I think that testimony will be given in the committee probably at length too, not only from the Health Department but from other agencies.

MS. VOGES:

A study was done. My husband as part of a study on •• where they took cells out of him to test because he grew up in the days DDT and carcinogens where they sold them. I mean, his father had a business and then him. And he's heavy, so they were saying that in fat cells they would find these residues of this DDT. They didn't. But he went through a whole study.

LEG. CARACCILO:

And those were in the times before they wore the protective gear.

MS. VOGES:

Of course. Sure. They only did these studies, I want to say, I guess it's probably ten years now. But it was very interesting. They did a lot of people and trying to find out people that had been involved for so many years. Like he always says, he used to sit on a pallet of DDT and eat his lunch. So you know, we are ingesting this stuff. There was nothing.

LEG. CARACCILO:

Okay. Thank you.

P.O. CARACAPPA:

Thank you. Kevin Cantwell.

MR. CANTWELL:

Thank you. I also represent the Nassau•Suffolk Landscaper Gardeners. I'm the past Chairman of the Landscape Gardener's Association. The Nassau•Suffolk Landscape Gardeners Association has a presentation that I will not read, I will just try to summarize a few points out of it. I would just like to give that to the Clerk.

P.O. CARACAPPA:

Absolutely. Thank you.

MR. CANTWELL:

The Nassau•Suffolk Landscape gardeners is an association of about 1500 members of Nassau •Suffolk Counties. They run businesses, and our organization provides them with information and education, information that they use to carry out pesticide safety and pesticide reduction in integrated pest management. Where we would be 15 years ago, ten years ago³. , we would like dinosaurs as compared to where we are today.

The aesthetic value of pesticide application is subjective. So now essentially what we're going to do is we're going to add another layer of bureaucracy because somebody needs to apply these subjective decisions. And right now we have a preemption law, okay, pesticides are regulated by the •• by the states through the Federal Government, through FIFRA. So the regulations are already there. We have the DEC that works very well. Why not put these dollars into education? Get the people that are applying the pesticides in a professional manner more education, get the public more education as to a reduction in pesticide use.

If we're forced to use pesticides in a manner of last resort so to speak, because it's a matter of infestation, as the law reads, now we're forced to use stronger pesticides at probably higher capacities. So it really doesn't do anybody any good.

The next thing is really the environmental impact statement. It hasn't been completed. That should be completed. It's •• it's an issue that's going to affect our environment, and we really shouldn't be proceeding forward without it. The Nassau•Suffolk Landscape Gardeners is not in favor of this. Intentions are good, but let's keep the enforcement issue where it is, with the DEC, who's •• who's working to very diligently to provide the education. And let it be known that the Nassau•Suffolk Landscape Gardeners and their 1500 members are against the Resolution 2102.

P.O. CARACAPPA:

Thank you, sir. Larry Penny.

MR. PENNY:

Larry Penny. I'm the Environmental Protection Director and the Natural Resource Director, Academy of East Hampton. And I've had that position for 20 years. Before that I was a college professor and a researcher. I grew up in Mattituck in the potato fields when Suffolk County was the leading potato producing county in the nation and worked in those fields and worked in all sorts of agricultural fields, cauliflower, brussel sprouts, broccoli, primarily potatoes. And in the day when DDT and all those chemicals that sort of owe their existence largely to World War II, because they were used to combat malaria and a bunch of other things, came into being and we didn't wear any protective apparatus, and we were exposed continually.

I'm 68 years old, I was still alive, but I don't know what is inside my body and maybe I'm the exception. But I've also been in the environmental protection business for a very long time, and I know the literature pretty well. And I certainly know that there are some strong causal relationships between pesticides and a variety of diseases, some fatal diseases including cancer. And just as there are a lot •• what people forget is that heavy metals are also pesticides, and they're involved in a lot of cancers and a lot of other kinds of things like Parkinsons Disease and so forth. There's very strong evidence for an environmental basis for Parkinsons Disease. Parkinsons Disease has been increasing. And a lot of the diseases have been increasing in numbers now, whether that's because we're living longer or because we're exposed more. I think it's probably a combination of both.

Now, this law is a very •• I want to remind the Suffolk County Legislature, first of all, you are one of the first County Legislatures in the state, and a lot of counties in the United States are

still run by Boards of Supervisors. You know, I used to live in Santa Barbara as well, and that was a Board of Supervisors. You have done some remarkable things during your tenure. You have been leaders, you essentially had a phosphate ban in the '60s, I guess, the late '60s or when you came into being for detergents in Suffolk County without essentially being challenged by the state. You had the first double •• double line tank laws for tanks over 1100 gallons, then the state followed suit.

In fact, every time you passed a law that protected the environment, it seemed to me the state came along behind you and passed a similar law. You are leader in groundwater protection and groundwater monitoring. And there's a good reason why the County and the County Legislature are so progressive in this respect, because we are a sole source aquifer. We are •• our groundwater does not come from reservoirs above ground. It can be easily protected. It comes from below ground, and you all know that. And also, we live surrounded by water, and lately we have found out that, for example, our bay scallop industry has crashed, a lot of our hardship •• the hard clams have disappeared from the Great South Bay, a lot of our marine industry, commercial fishing industry, recreational fishing industry is hurting because of unknown reasons. But certainly there are some evidence that water quality has decreased over time, and there may be some relationship. There certainly is relationship between herbicides and plankton die•offs. And now we're using these hormonal mimics widely for mosquito control and so forth, and they not only affect mosquitos, but they also may be affecting lobsters. As you know, there's been a huge lobster die•out.

The county is also spending money to try to get these industries back, the scallop industry. The federal government is spending money to try to get the lobster industry back and so forth. There's some evidence that malathion had a lot to do with the die•off of lobsters. Malathion applied in New York City for West Nile four years ago ••

P.O. CARACAPPA:

Your time has expired. Please sum up.

MR. PENNY:

Okay. I just want to say that this is a fairly harmless law in the sense that it exempts •• it exempts agriculture, it exempts infestations like gypsy moths and so forth, certainly would exempt mosquito control. It's really for cosmetic purposes. If we can cut down the amount of pesticides that we use cosmetically, we will make a big dent in the application and the ultimate

disposition of those pesticides and the metabolites. And I would just say that this is a law that we need. We have to progress, and I'm all for this. Thank you.

P.O. CARACAPPA:

Thank you, sir. Question, Legislator Caracciolo.

LEG. CARACCIOLO:

Once these substances get into the groundwater •• well, first, do they get into the groundwater?

MR. PENNY:

Well, someone said the golf course, for example. I live next to Noyack Golf Course where •• where herbicides got into the groundwater and contaminated about 40 wells alongside the course, and they had to have remediation, just like the _temac_ •• you remember the _temac_ and the carbide •• the carbon filters and so forth.

LEG. CARACCIOLO:

Union Carbide came in with the filters, right. When they do •• when they do wind up in the water, how long do they stay there? I know there's water migration. Is it dependent upon that before it gets out of the sole source well head that you don't have a problem?

MR. PENNY:

It's really a very new science in how long these things flow and go into the estuary by underflow, we all know that, Peconic Estuary and the South Shore Estuary, Long Island Sound, so we really don't know •• it a very little bit of something to do some damage. So frankly, we're just finding out. We're able to now measure parts per trillion, where we would only measure parts per billion. We're finding out the things like parts per trillion can have harmful affects, especially when they synergize with other things, you know. So it's really •• it's really still not known to what degree these things have permeated the system.

LEG. CARACCIOLO:

You heard a previous speaker speak to in the Town of East Hampton a number of •• a high abnormal number of childhood cancers that have developed among the local population in a very recent period of time. Do you have any familiarity with that, and is there a cause and

effect relationship between those particular cancers and pesticide use?

MR. PENNY:

The state wasn't able to find any causal affect, the Department of Health, State Department of Health, but there's a lot research now that is like the research that Ms. _Abadon_ cited, which was about _chlorathyrose_ , which caused a lot of cancer in farmers, lung cancer who were nonsmokers that applied it to their crops. That was a pretty well done study. So these things are being studied now, and we have a lot to learn. That's about all I can say.

LEG. CARACCILOLO:

Based on your own upbringing on a farm in the time period that you enumerated, some 50 or more years ago, how many of the people involved in farming at that time •• other that period of time have you known personally to come down with any type cancer relates illness or terminally ill, directly involved with farm use?

MR. PENNY:

A few.

LEG. CARACCILOLO:

A few. I mean, would you say it appeared to be abnormal compared to the general population?

MR. PENNY:

I'm not an epidemiologist. I really• I think that's got to be studied. I know that, for example, golf course caretakers, golf course turf managers have a higher mortality, that is live shorter, than the rest of the population, like organic chemists. That's well known for a long time, you know, that they have a shorter life span. As far as farmers, I don't know. And as far as pesticide applicators, I know several pesticide applicators personally that have white blood cell •
• what am I thinking?

LEG. CARACCILOLO:

Abnormalities?

MR. PENNY:

Cancer ••

LEG. CARACCILO:

Leukemias?

MR. PENNY:

Yeah, leukemias and other •• other cancers and so forth. But whether they are any more in them than in other people off the street, I don't know that.

LEG. CARACCILO:

Thank you, sir.

MR. PENNY:

Thank you very much.

P.O. CARACAPPA:

Okay. John W. Mark.

MR. MARK:

Good afternoon. Thank you for the opportunity to speak. My name is John Mark. I'm a certified arborist. I'm a certified pesticide applicator, and the father of a four year old girl. I take this thing very seriously. My daughter is healthy, thank God. But, you know, what I've heard happen in our town, I'm from Montauk, just scares me. And being a certified applicator and an arborist, I go for continuing education every year. I've chosen, and it's not always easy to find education that has told me a lot about these pesticides that I used to apply.

I've applied pesticides. They are horrible. They're horrible. They are carcinogens. As far as, you know, relating particular deaths to their effects, I'm not a scientist, I'm not here to speak on that. I can speak on a couple of my personal experiences, and I can say I've heard the DEC is in charge of this, and I can say it is my opinion that they have failed. I've called fellow DEC certified pesticide applicators to my house to apply products for ants. I've told them, and these are people that go for continuing education just as I do, and they're certified by the DEC, and I've told them at that time I had a six month old daughter and I wanted products applied that were safe for her. I had one of these, and he came on my property, walking around the outside of my house, and he said what a shame they took Dursband off the market, it would be the

perfect product for this application.

They took Dursband off the market for doing neurological damage to infants. And I just told this man I had a six month old daughter. You know, I have applied pesticides at houses •• excuse me. Could you please listen? I've applied pesticides at houses and come back the following week and seen a bird dead with an earthworm still in its mouth, and these are products that are still applied. You know, it is serious. There are •• there's a lot research that's been done out there.

I've been in contact with Legislator Schneiderman's Office. One of the people are asking who knows about this stuff, _Rachel Carson Council_. If you go on the internet and do a search, there's a lot of information there. I would just like to say that, you know, there are a lot of •• we're talking dangerous pesticides here. We're talking carcinogens, we're talking they are in the groundwater.

Personally, I would like to see a stronger bill. But I'm happy with this, I'm happy to see it being talked about. And just because it's happening, I mean, you can't just sit back and wait for somebody else to come up with this. I mean, it's here, the information is here, getting it out to the public, I think, it's important. I think it would be a shame if this bill wasn't put forth, whether it's stepping on New York State's, you know, authority or whatever it is, I just know •• and I heard there's 1500 members of this organization, how many kids are out there? You know, and I don't know what's going to happen to them. And, you know, I really am •• I've been told, pesticides, oh, you can come on •• and typically there's little signs, you can come on 24 hours after there's an application of after the product dries. I've also been told by a guy who sprayed ants at my house, oh, it's okay once its dried, but the ants aren't coming back for six months.

I would like to know how it kills ants for six months, and it's not going into my daughter's system when she walks on it with her bare feet. And the common sense for me •• actually, it's not just common sense, it's through my education, you put a product down and where does it go? There are couple of options; one, it turns into a gas and floats up, and I don't know if that's related to this lung cancer that I've heard about today, but it goes into a gas and get inhaled, you're walking by, you inhale it. Number two, it stays in the ground like an effective pesticide should, it stays where it's put. Okay. It's right there. I heard people talking about kids getting down, hands and knees in the dirt. It's right there. If it's not there, it's going

down into the groundwater. Thank you very much for the opportunity.

P.O. CARACAPPA:

Thank you, sir. Roger Feit.

MR. FEIT:

Hi. My name is Roger Feit. Anyway, I am the President of Tree Wise, and I'd like to say a couple of things. First, Jay, thank you for sticking your neck out, it's a wonderful thing. Where to start?

I'm not going to chop it off, I'm going to support it.

Basically, I have a 100% organic tree care company. We also do lawns. We don't need any pesticides. We don't need no stinking pesticides. We don't use any. We have some of the most elite properties on the East End. The Ladies Village Improvement Society of East Hampton is using us. Rockefeller Center in Manhattan waited for us. I had a company up •Island, it was Quality Tree Service, and they were very happy with my work, but I sold my company and I had a non compete for five years. They used another five services in the first six months, stopped usage and waited for me in my non compete to come up.

I write for a landscaper publication. I have a monthly column. Pretty much know our stuff. James, my partner, spends most of his time researching, and that's what it takes. There's no real handbook out there for landscape care organically. But if you research it enough, and there's _Dr. Elaine Ingam_ a world renowned soil biologist, she'll tell you basically if you have healthy soil, you'll have healthy plants, you will have disease resistant plants, you'll have disease •• insect resistant plants also. The insects don't seem to want to attack something that's very healthy. That's the evolutionary structure. If we're weak, we get attacked. It's the same thing. It's just all one world.

My fellow landscapers and countryman, basically, the fear is with the landscapers and with the treemen that they will be out of business. A while ago some lobbyists tried to get me to support pesticides and give them some big bucks because I make some large money. And so I was one of the first ones to hit up on that, and I said, no, why would I do that when as soon as the take off these products that are smell like a skunk and look like a skunk and are a skunk, they're poisons, they are going to replace them with something else. They are going to replace

them with something that's not going to hurt anybody, and they're not going to hurt the environment and they're certainly not going to hurt children.

When the neighborhood •• neighborhood notification laws came to being, everybody was up in air, that's going to be going to be the end, people are selling their businesses, nobody's going to be able to be in business any more. Almost overnight there were exempt products on the shelf. It's just a matter of switching gears. The landscape industry is not going to go out of business. I am certainly not going out of business. I'm doing very, very well. We increase our margin by 40% each year, we take on 40% new clients, and the profits are just going up and up and up. So I don't need a bill for me to make money, in fact, it brings more competition in if there's more guys doing it.

I'm here because it's the right thing to do, period. And you guys can go such leaders in the country by taking a stand now. This stuff is poison. I mean, people are getting sick. Maybe you don't have all the data collected, but you didn't have all the data collected with cigarettes until you finally did, and how many millions had to die before that was a fact? So, you know, we don't need the chemicals. People might tell you differently. They just haven't researched. It's going to take a lot more time and energy for a company to learn these kinds of things, but it's all available on the internet now. And thank you for your attention, and thank you, Jay.

P.O. CARACAPPA:

Lauren Jarrett.

MS. JARRETT:

Good afternoon. My name Lauren Jarrett, I'm the co•Executive Director of Ecofarm, which is a community farm showcasing sustainable agriculture in East Hampton. I'm here in support of Jay Schneiderman's bill. He has been really in the forefront of efforts to support organic agriculture, reduce pesticides for all uses, if possible, but certainly nonessential residential use. I think that the Pure Campaign in East Hampton is a wonderful educational facility and opportunity for people to learn that there is another way. It doesn't have to be chemical based. We don't have to use these chemicals. They are all poisons, which is very evident when you look at any of the words used to describe these chemicals. They all end with c•i•d•e, which is cide, it means to kill.

They're not necessary. There are organic methods that do just as good a job. And I think when you look at Suffolk County as a whole, which is a very large agricultural and horticultural county in New York, it's huge, attendantly there are a lot of pesticides and chemicals used. If by limiting nonessential and basically residential horticultural chemicals to organic methods, if we can out that many •• that high a percentage of the overall chemicals that are at the moment beginning to •• well, increasingly contaminating our groundwater, I think that we have a chance to create a legacy for the future. We have a chance to look ahead in a positive kind of way. And this governing body had already shown itself to be willing to take these kinds of chances. And I think you have another opportunity to get out in front, and that's where you should be. Thank you.

P.O. CARACAPPA:

Thank you. Barry Ulrich.

MR. ULRICH:

Good afternoon. Thank you for this opportunity to speak. My name is Barry Ulrich. I'm the President of Professional certified Applicators of Long Island. We're an industry group that provides education and training to pesticide applicators.

We've been proactive in helping to draft legislation that is both environmentally sound and people friendly. We were instrumental in helping to draft the language used in the 48 hour pesticides notification law. We're strongly against the implementation of the proposed Suffolk County Local law for the following reasons. One of the base objectives of this law is to protect our sole source aquifer. We all know the importance of this. The facts of the most recent groundwater study is by the Health Department and the New York State Department of Environmental Conservation are that 47 to 52 pesticides detected in Long Island groundwater are used for agriculture purposes. Homeowners and the green industry use the remaining ones.

Of the 13 pesticides that exceed established drinking water standards, all are agriculturally used pesticides. The proposed legislation recognizes that levels of breast cancer are a concern in Suffolk County, but it does not mention that the Long Island Breast Cancer Study Project that studied whether environmental factors are responsible for breast cancer on Long Island. The study's conclusions were, and I quote, found that organochlorine compounds are not associated

with the elevated rates of breast cancer on Long Island. Organochlorine pesticides include DDT, PCBs, dieldrin and chlordane, very persistent chemicals that have been banned for years.

Certified applicators and registered pesticide applicator businesses regulated are by the New York State DEC. These are highly trained professionals, who must maintain their licenses by participating in accredited training programs. Homeowners who are responsible for somewhere between 60 to 80% of the percentage of pesticide applications on private properties in Suffolk County are not trained, they do not follow label directions, and they frequently overuse pesticides that they are applying. They are not regulated in any manner.

If the County wanted to protect the populace, one of the first items to consider would be to regulate the sale of pesticides to the public and to leave the applications up to the professionals. This proposed legislation has not been drafted with any consideration for the industry. Discussion with industry leaders would be the first step in drafting logical environmental legislation. Groups such as PCA of Long Island, the Long Island Arbocultural Association, the New York State Arborist Association, Nassau•Suffolk Landscape Gardners Association and the Long Island Nurserymans Association can provide information and experience that can be very useful to the County in drafting legislation that protects both the inhabitants of the County and the industry. Thank you.

P.O. CARACAPPA:

Thank you.

P.O. CARACAPPA:

Thank you. Tomasin Hammer.

MR. HAMMER:

Hello. I'm Tomasin Hammer. I'm from East Hampton. My husband is one of the survivors of the cancer cluster. I'm not really sure what I want to say, but my gut feeling, I have a strong opinion on the issue on toxins, chemical toxins in the home, in the schools, on our land. If you think that you're spraying the lawns and it's not affecting our kids, our animals and us, you're very mistaken. There is proof that we can get plenty, and I'm sure a lot of people here can get it for you. And I strongly urge you to pass this. It's so important for our kid's sake. I have two kids and I want them to be happy and healthy. I don't want them to go through what my husband and twenty of my friends at the same time went through. So, thank you.

P.O. CARACAPPA:

Kate Plumb.

MS. PLUMB:

Good afternoon. My name is Kate Plumb. Thank you for allowing us to speak. I'm also from the East End Community Organic Farm, and a strong environmental advocate for the environment.

I feel strongly about this bill, Jay's bill, for many reasons. The •• and I feel very strongly that this bill is a beginning step, a very beginning step the Suffolk County Legislature took, as Larry Penny mentioned, took great courage, and was a pioneer years ago in the phosphates issue.

We know that pesticides, herbicides and fungicides contaminate our drinking water, both in the well •• in yours, drinking water, and your neighbors'. We also know that it contaminates, it destroys. And even though the Suffolk County is doing a great job in trying to regulate the pesticides in the water, we know that some wells that the public County wells have pesticides in it, and we just don't have enough •• excuse me. We don't have enough information right now to actually make these •• the Suffolk County Water Authority to actually •• they don't have enough •• the synergistic effects of the pesticides that are in the water we don't have enough information about.

So, we know that the pesticides, and herbicides, and fungicides contaminate the groundwater. They destroy the bird life and the habitat for the wildlife. And what's more important is that they destroy the bugs and the birds, as we heard, and the microorganisms and the earthworms in the soil that are actually what the soil needs in order to clean itself. If water comes down and the •• soil can be a wonderful filtration process if the soil is alive and it has microorganisms in it, but if the pesticides, the application of the pesticides destroyed all the life in the soil, then you don't have that benefit from the soil.

So, I strongly suggest that you take the courage, and as you have before, and empower you to act courageously, as others have spoken, and pass •• and pass Legislator Schneiderman's law. It is a beginning step and a very gentle beginning step on a problem that's not going to go away until we have different solutions to the problem. Thank you very much

P.O. CARACAPPA:

John Iurka.

MR. IURKA:

Thank you very much for the ability to address this lofty body. I am the Vice President of Green Point of New York. Green Point is an association of arborcultural and other green industry companies and organizations that was put together with the concept of becoming as businesses help in stewardship of the environment. I am also the past Executive Director of Professional Certified Applicators of Long Island, and have been involved in the arborcultural business on Long Island for the past 35 years.

I have a very boring presentation here, which I'm going to hand into the Clerk. I'm not going to read it, much to the dismay of my attorneys, but I would like to bring some points to the representation here.

Industry has done a lot in self•policing. One of the things that I have not heard here mentioned by either side is Integrated Pest Management or IPM. I'm sure that the County is familiar with IPM, because it has been instituted on County properties. It is a very sound practice throughout all of agriculture, and has done immense good in the reduction of pesticide use. This has happened in the lawn care industry, this has happened in agriculture 30 years ago, it has happened in arborculture 20 years ago, and probably 25 to 30% of what is considered pesticide application in Suffolk County is done now under the auspices of IPM. Unfortunately, some legislation, such as the 48•hour notification law, which I supported and my group supported, we were the only group that really came out in support of it, didn't take into account IPM, because the New York State Legislature didn't know what IPM was. Okay? They weren't interested. They weren't interested in learning about IPM. So, there are things that are happening in the industry by professionals that is •• that are reducing pesticide usage.

Just recently, I sat down with Maureen Serafini and the Board of Green Point, Maureen Serafini being the Director of the Bureau of Pesticides of the New York State DEC, and we made a decision to limit a material that was being used quite a bit in Suffolk County by homeowners for lawn care, and we got the Department of Environmental Conservation to take the company that manufactured this material to task and restrict this pesticide from homeowner use and make it only for professional applicator use, and only as a restricted use product, meaning only certain

people could apply it. We probably reduced the amount of the use of that pesticide by 80% on Long Island. Okay?

You need to look at what the usage is of pesticides. You need to look at the agricultural uses of pesticides. Barry Ulrich, one of my contemporaries here, was talking about what's showing up in groundwater and it's agricultural pesticides, it is not the lawn care company, it is not the arborcultural company. These are very small percentages of pesticide usage in Suffolk County that are being applied by professionals. Groups such as Green Point are willing to work with the Legislature. Groups such as Nassau•Suffolk Landscape Gardener's Association, the Long Island Arborcultural Association, New York State Arborists want to sit down with the Legislature and work together.

Green Point recently worked with the •• with New York City, with the DEC, on the sole source aquifer, or one of the big aquifers for New York City, where there was concern about water quality, and we got a best management practices instituted voluntarily to reduce phosphates up in the Croton Reservoir, okay, so that we would start to as an industry reduce the amount of phosphates. This is something that's going to happen on Long Island. This is something you people should be looking at for our estuaries on the East End, our salt water estuaries, which are impacted by fertilizers. We know that fertilizers are going to have to be controlled, we know we have to look at nitrates, and we know we have to look at phosphates, but you have to deal with professionals, you have to deal with the people that have the information.

The New York State Department of Environmental Conservation has been tasked with regulation of pesticides, because they have the scientific basis and the knowledge. Maureen Serafini, who heads the Pesticide Department, okay, is a chemist. She's not a politician, she's a chemist. Okay? Her whole life has been involved in this, and she knows what she's talking about. A couple of issues and then I'll ••

P.O. CARACAPPA:

No, sir. Your time has expired and you have to sum up.

MR. IURKA:

Okay. One quick sum•up. I just want to correct a couple of things. We were talking about Malathion being used for mosquito control in New York City. Malathion was never used for West

Nile Virus control, Anvil was. And recently, the lobster die•off, if you've read anything about that, they talk about temperature changes in Long Island Sound, which are major contributors, not pesticides. I'm not a big proponent of vast pesticide spraying, but there is a use for pesticide in our environment, and we need to talk to you people about it.

P.O. CARACAPPA:

Thank you. Matt Daly, Matthew Daly.

MR. DALY:

Got to bring the mike down after you, John. Good afternoon. I was taking some notes this afternoon to try to figure out exactly what to say, and after listening to all these people talk, I've heard some good things said that don't need to be said again.

I am here today to represent the Arborists Association of Long Island, the LIAA. I'm the Vice President. We have 200 members, been around since 1958, and I would describe our members as environmentalists. We do what we do because we love trees, we work with trees. You don't work as hard doing what we do unless that's true.

In the ten years that I've been involved in our organization, I've been exposed to IPM. I've gotten a lot of education through our group, and what I do see, and John touched on it, we are ahead of the curve when it comes to trying to do right for the environment before we're told to do it.

There's a little bit of a struggle between business sometimes and the environment. People get very emotional about the issue of pesticides. You can't argue with somebody who has lost a loved one to cancer, and just about any decision that you're going to make is going to affect somebody to the good or to the bad. The only thing that I would say, as the Vice President, you know, I guess I'm here to speak for our members, and having not polled our members, I couldn't tell you how they feel about it. I know members in our group that swear •• have sworn off pesticide use, would not use them, and others that still believe that they have a role that they can be used. As a homeowner, personally, I avoid using them on my property. I'm a member of the North Fork Environmental Council.

I think people on both sides of the issue have a lot more in common than not in common. One thing that I've heard a couple of times from the last few speakers is that there is a professional

community out there and that community has a lot to offer. Being that, you know, like I said, we're ahead of the curve, the people in our association have done a lot to reduce or avoid the use of pesticides, and we have a lot of good information available. And, as you •• you know, whatever ends up happening with this particular resolution, it won't be the last time that our industry is in the spotlight. And, in the future, I'd like to offer our help and maybe suggest that we get together and talk about some of this stuff.

There's a list of materials in this legislation that you're proposing that we can continue to use. I don't know how that list was put together or who determined what should be on it, but I can tell you that I know quite a few people that would have something to say about it and could offer maybe some other suggestions, because, in the end, I think we all want the same thing, we want to have a nice environment, we want to have healthy soil and healthy water and healthy people, so maybe we can work together on doing that. And the Arborists Association, I think all of the members would agree that we can help on this. So, thank you for your time.

P.O. CARACAPPA:

Thank you, sir. I have no other cards on this matter. Anyone else wishing to be heard? Motion to recess by Legislator Schneiderman, second by Legislator Caracciolo, because SEQRA is not complete.

LEG. SCHNEIDERMAN:

Joe, we're going to recess to January ••

LEG. CARACCIOLO:

First regular meeting next year.

P.O. CARACAPPA:

The bill is being recessed until the first General Meeting of the Year 2005. Understood?

LEG. BISHOP:

General Meeting, that's not the Organizational?

P.O. CARACAPPA:

No, not the •• the first General Meeting.

D.P.O. CARPENTER:

There you go.

P.O. CARACAPPA:

The first General Meeting of the Year 2005.

D.P.O. CARPENTER:

There will be two feet of snow on the ground.

P.O. CARACAPPA:

Not next •• not on the 21st.

LEG. BISHOP:

By the way, are you passing out a proposed schedule for next year?

P.O. CARACAPPA:

All in favor? Opposed? Abstentions? Yeah, we're going to try and deal with the calendar prior.

Next hearing, ***2103 • A Local Law regulating expenditures of Suffolk Hotel/Motel Tax Revenues, introduced by Legislator Schneiderman.***

LEG. CARACCILOLO:

Motion to close.

P.O. CARACAPPA:

There are speakers. Oh, now you're trying, a hundred questions later. First speaker is Barbara Ransome. She left. Mike Johnston.

AUDIENCE MEMBER:

Gone.

P.O. CARACAPPA:

Gone. Jeri Barr.

AUDIENCE MEMBER:

Gone.

P.O. CARACAPPA:

I have no other speakers. Anyone else wishing to be heard?

LEG. CARACCILO:

Motion to close.

D.P.O. CARPENTER:

Second.

MR. WHITEHEAD:

No, I did put in three and ••

P.O. CARACAPPA:

Step on up.

MR. WHITEHEAD:

And, Mr. Chairman, you may have remembered, after talking about the good heart.

P.O. CARACAPPA:

I remember the half a heart.

MR. WHITEHEAD:

I had half a heart, and the other half will be maybe 40%, just for speed. I didn't say, but I'm the owner of Baron's Cove, which is a 66 room property out in Sag Harbor. I was on the Board of Directors of the Long Island ••

D.P.O. CARPENTER:

We can't hear you.

MR. WHITEHEAD:

•• Lodging and Hotel Association, and for the last nine years, going off in about two weeks •• a

little closer to you? That's very nice to say. That the •• I was on the Board of Directors for nine years of the Long Island •• LICVB, and I was on the Board of Directors of the Lodging Association. I also opposed the 5% occupancy tax, so I've been a fighter of taxes all my life. I opposed the 3% tax that the Legislature considered last year, and I'm opposing these three taxes. But I want to clarify a couple of things and I wish •• if someone could get Cameron Alden into the room, I'd appreciate it, because some of the comments are directed toward some of the things he had stated.

P.O. CARACAPPA:

He can hear, there are speakers in the back, so go right ahead.

MR. WHITEHEAD:

Okay, great. Okay. I'll go to another point, so that he can come back. In this process, they're talking about leads, and unjustified leads, and leads to members. And I just needed •• I think it's important for the Legislature to see the process that we have. It will take me about two minutes to the process.

There are four kinds of committees within the LICVB. First one, sports and leisure. The leads come from the committee, and they go to all hotels who have asked for those leads.

Second, meetings and conventions. That encompasses about 40 or 50 hotels, of which three are in Montauk, and the rest are on the rest of the Island, and they are given every lead that comes through the organization. Some hotels that are larger go to the national conventions of those to pick up the leads and they get about a one•week advantage.

Tour and travel. There's about 40 or 50 hotels participating. By the way, the last two have met monthly. Excuse me. Last two have met monthly, and those leads go to those 40 or 50, and everyone has the opportunity to answer those leads and act on them as quickly as they'd like to.

Leisure business, that normally goes to the travel guide, and we produce about 100,000 travel guides, and that is sent out to all people that respond. And thanks for returning, Mr. Alden. Two issues •• one issue, excuse me. President Moke McGowan went and checked the minutes, and in the March of 2001, we were told by the past president that, not anything about that resolution, no board member that I've talked to heard about that resolution, and he did say he

was cooperating with the legislation •• with Legislators.

And that completes •• oh, two other points, I'm sorry. All hotels that are paying a tax will be listed on the new website and in the travel guide that we have that goes out to everybody that asks for business.

P.O. CARACAPPA:

That's it?

MR. WHITEHEAD:

I thank you very much.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Mr. Whitehead, first off, let me say I appreciate some of the changes that are being made and to address some of the concerns that have been brought up. You did just say, though, that on the leads that LICVB develops, there's a one•week advantage that members get; did I understand that right or ••

MR. WHITEHEAD:

No. The one week advantage that anybody gets is if you go to a national convention, if you're a member and you go to a national convention, say the National Tour Association that I went to in Toronto, I spent \$4,000 and spent a week up there, I got the leads because I was there. When they come back and they process them out, it takes about a week to get the leads out. So, all the rest of the hotels that didn't go up there and didn't pay \$4,000, they got a one•week disadvantage to me for paying \$4,000.

Take another example. Someone goes to a national convention for meetings and conventions, there might be three or four hotels that go there. Those hotels get advantage, because they spend two, three to \$4,000. Then, when they come back and process it, because almost every national convention that the LICVB goes to, it's accompanied by someone on staff of LICVB who is trained in the category of tour and travel, meeting and conventions, or sports, and they then

take all the leads and send it out to all the rest of the members.

LEG. SCHNEIDERMAN:

Yeah. No, I certainly don't have a problem when you go and you pay out of your own money to go to •• go to these trade shows. It's when LICVB goes, I see them going and representing the entire tourism industry, not just the membership. That's the issue I've tried to make.

Okay.

MR. WHITEHEAD:

Okay, fine. I understand your issue.

LEG. SCHNEIDERMAN:

Okay, thank you.

MR. WHITEHEAD:

Yeah. I understand the issue between membership and those that aren't members, and that's why I said in my last comment here, that they're going on the website and they go in the travel guide, so now, anybody asking these three •• in these categories will get that information.

P.O. CARACAPPA:

Thank you.

LEG. SCHNEIDERMAN:

Yes, yes. No, I appreciate that. Thank you, Don.

P.O. CARACAPPA:

No other cards. Anyone else? Come on up.

MR. EAGAN:

Thank you, Mr. Chairman. Mike Eagan again from South Bay Cruises. I just have a couple of points. I'd like to clarify some statements that were made. Legislator Caracciolo, you had asked about any staff changes to the CVB. One that Mr. McGowan overlooked, which is, I think, very important, we do have a new Comptroller ••

LEG. CARACCILOLO:

Very good.

MR. EAGAN:

•• who was hired within 60 days of Mr. McGowan's hiring.

LEG. CARACCILOLO:

Could you just share with us a little bit about that individual?

MR. EAGAN:

I'm sorry?

LEG. CARACCILOLO:

Qualifications of that individual?

MR. EAGAN:

I don't have that information on hand right now, but we'll be happy to get it for you.

LEG. CARACCILOLO:

Please. Thank you.

MR. EAGAN:

Okay. Number two, from Legislator Alden, you had spoken about the resolution that you introduced in 2001. And, basically, I'd just like to give the rest of the Board some of the background on how it was seen by myself and other board members.

Before that resolution, which Don Whitehead already said we didn't know anything about, we were informed by the past president that we had an excess tax revenue from Suffolk County, which they •• which Suffolk County insisted that we spend on Suffolk advertising and marketing. Quite a few board members were of the opinion that we should put that money into a separate account until we could get clarification that it, in fact, was money due to us. Unfortunately, we listened to the previous president, who said that the County insisted we spend the money, and we went ahead and spent the money. Lo and behold, a year or two later, we find out that, in fact, it was not an overpayment •• it was, in fact, an over payment. My mistake.

Last thing I'd like to address is some of the statements that Legislature Schneiderman made as far as the membership benefits. As I told you earlier, I'm a small business person who is a volunteer member of the board, and as far as my membership is concerned, I pay \$250 a year to be a member of the organization. I feel I get a lot more out of what I pay in dues just because I contribute the time. It is a volunteer position. I belong to other committees besides being on the board. I'm on Tour and Travel Committee, and as I stated, I'm on this Government Affairs Committee now. Just giving more of my time for a cause I really believe in.

So, just to sum up, I'd like to say, I hope you can just give us a chance, let us prove ourselves for another year here, and we'll •• I'm sure we'll be able to show you good results. Thank you.

P.O. CARACAPPA:

Thank you, sir. I have no other cards. Anyone else wishing to be heard? Oh, come on, there's got to be someone.

MS. BURKHARDT:

Ben, sit down.

LEG. ALDEN:

Would it be appropriate at this point •• would it be appropriate at this point to take about a 20 •minute recess for caucusing purposes?

LEG. O'LEARY:

Yeah, right.

P.O. CARACAPPA:

There's a motion to close by Legislator Alden, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? 2104 is closed.

The next two have been withdrawn, so strike those.

I make a motion, second by Legislator Carpenter, to set the following Public Hearings: Thursday, December 16th, 2004, 9:30 a.m., at the Health and Human Services Committee, the Rose Caracappa Auditorium in Hauppauge, Public Hearing on ***I.R. 2209, a Local Law to***

require posting of sign indicating location of defibrillator.

Setting the following date of the following Public Hearing: Thursday, December 16th, 2004, 1 p.m., Budget and Finance Committee, in Hauppauge, ***2219 • A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues.***

And, finally, setting the date of December 21st, 2004, at 2:30 p.m., at the General Meeting in Hauppauge, ***2222 • A Local Law to authorize conveyance of development rights to "Starlight Properties."***

There's a motion and a second to set those public hearings. All in favor? Opposed? Abstentions? Those public hearings are set.

I recognize Legislator Caracciolo.

LEG. CARACCILO:

Thank you. I'd like to make a motion to reconsider several resolutions that earlier today were tabled in the ••

P.O. CARACAPPA:

Page 12.

LEG. CARACCILO:

Page 12, Environment, Planning and Acquisition (sic) Committee.

P.O. CARACAPPA:

2134 (Authorizing the acquisition of farmland development rights under the Greenways Program (Town of Brookhaven) Hoshyla property(SCTM No. 0200•508.00 •01.00•020.001). There's a motion to reconsider ••

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

•• by Legislator Caracciolo, second by Legislator Foley. All in favor? Opposed? Abstentions? 2134 is now before us. There's a motion to approve by Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. On the motion, Mr. Chairman, let me just ••

P.O. CARACAPPA:

On the motion. Second by Legislator Foley. On the motion.

LEG. CARACCIOLO:

Let me just note, I'd like to thank Mr. Tom Isles and his staff for providing to me backup information, so that I could at least review the appraisals and the compliance _revules_ •• reviews, rather, on these resolutions, with the exception of one, which I'm not going to make a motion to reconsider, and that's the _McQuade_ property. So, at this time, I'd like to move on 2134.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

14•4 not present. (Not Present: Legs. Montano, Binder, Tonna and Cooper.

P.O. CARACAPPA:

2134 is approved. ***2135 (Authorizing the acquisition of farmland development rights under the Greenways Program at (Town of Brookhaven) Zeh property (SCTM No. 0200 •507.00•04.00•012.000).*** There's a motion by Legislator Caracciolo to reconsider, second by Legislator O'Leary. All in favor? Opposed? Abstentions? 2135 is now before us. There's a motion to approve by Legislator Caracciolo, second by Legislator Losquadro.

MR. BARTON:

14•4. (Not Present: Legs. Montano, Binder, Tonna and Cooper.

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCILO:

I have no questions.

P.O. CARACAPPA:

Very good. Motion to approve and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

14•4 not present. (Not Present: Legs. Montano, Binder, Tonna and Cooper.

P.O. CARACAPPA:

2136 (Authorizing the acquisition of farmland development rights under the Greenways Program for the Eberhard/Hanley Farm (Town of Brookhaven).

LEG. CARACCILO:

Motion to reconsider.

P.O. CARACAPPA:

Motion to reconsider by Legislator Caracciolo, second by Legislator Foley. All in favor? Opposed? Abstentions? It's now before us.

MR. BARTON:

14•4. (Not Present: Legs. Montano, Binder, Tonna and Cooper)

P.O. CARACAPPA:

Motion to approve by Legislator Caracciolo, second by Legislator O'Leary and Foley. All in favor?

LEG. BISHOP:

This is the farm?

P.O. CARACAPPA:

This is a farm, Eberhardt/Hanley. All in favor? Opposed? Abstentions?

MR. BARTON:

14•4 not present. It's approved. (Not Present: Legs. Montano, Binder, Tonna and Cooper.

P.O. CARACAPPA:

I think •• remember, it is only 5:30.

LEG. LINDSAY:

Feels later.

P.O. CARACAPPA:

Okay, here we go. ***2137 (Authorizing acquisition under Suffolk County Multifaceted Land Preservation Program)***. Motion to reconsider by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? It is now before us.

LEG. CARACCCIOLO:

Yes. I have one question for Mr. Isles.

P.O. CARACAPPA:

Is there a motion to approve.

LEG. CARACCCIOLO:

Motion to approve.

P.O. CARACAPPA:

Motion to approve, Legislator Caracciolo, second by Legislator Losquadro. On the motion, Mr. Isles.

LEG. CARACCCIOLO:

Tom, I note on this compliance review that there was an update requested on Appraiser Number 2. It says, "Sweeney doing update." Was that provided?

MR. ISLES:

That has been requested. I will point out that Mr. Burke is here today on behalf of the Division of Real Estate. What I will also point out is that even if Sweeney's number stays exactly the way it is in the original appraisal, it still brings it within the mean in terms of purchase price we have suggested to you.

LEG. CARACCILOLO:

Okay. I also see ••

MR. ISLES:

We'll expect that she'll go up, but ••

LEG. CARACCILOLO:

Okay. I also see, and I think •• I stand corrected, that was not Sweeney, it was Schuster ••

MR. ISLES:

Schuster, okay.

LEG. CARACCILOLO:

But, that said, I see there has been a time adjustment on these appraisals. Could you explain why?

MR. ISLES:

Yes. In the instance whereby there's been an extensive period of time from the original appraisal, and there's a belief of the Division of Real Estate that the market conditions may have changed significantly, what we will do is we will go back to the original appraiser and ask, "Has there been an increase in the market since you prepared your market valuation?" We never make that determination ourselves. The appraisers then review the market and review the market trends, and then report back to us with changes. So, here again, if there's been an extensive passage of time, we will sometimes request an update to the •• a time adjustment.

LEG. CARACCILOLO:

Okay. And just refresh my memory. Is this the piece on Shelter Island where the owners objected to a condition or a covenant that there be no future pesticide use?

MR. ISLES:

Yes, it is.

LEG. CARACCCIOLOLO:

Okay. And have they now agreed to that stipulation?

MR. ISLES:

What has happened, and that was originally a farm acquisition, relatively small, but in Shelter Island, nonetheless, an important farm. They have abandoned that subdivision application with the Planning Board. The owner at this point is •• just wants to make it open space. It is adjacent to other open space. So, at this point, there would be no pesticide use, it would just simply be a protective open space acquisition.

LEG. CARACCILOLO:

Okay. I just want to make sure it's consistent with our original goal of no pesticide use.

MR. ISLES:

Right.

LEG. CARACCILOLO:

Thank you, Mr. Chairman.

MR. ISLES:

Correct.

LEG. CARACCILOLO:

Okay.

MR. ISLES:

Thank you.

P.O. CARACAPPA:

Okay. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILOLO:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. BINDER:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BISHOP:

(Not Present)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

(Not Present)

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA•FISHER:

(Not Present).

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. FOLEY:

Thanks, Mike.

MR. BARTON:

12. (Not Present: Legs. Cooper, Tonna, Binder, Bishop, Montano and Viloría•Fisher)

P.O. CARACAPPA:

Same motion, same second, same vote on the bond. CN's. ***2140 (Amending the 2004 Operating Budget to provide funding for Crime Stoppers).***

Mr. Zwirn.

MR. ZWIRN:

Yes. Mr. Presiding Officer, we have three CN's that we have prepared at the request of Legislators O'Leary, Legislator Carpenter, and Legislator Binder. With Legislator Binder, it is a redemption, it's real estate, for Mr. Morgenstern. With respect to Legislator O'Leary, we have worked together with Budget Review and the County Exec's Office to work out an offset, so the Crime Stoppers Program can get the \$50,000 that Legislator O'Leary had requested earlier on,

and we thank him for his cooperation in working with all the parties in getting that done.

And Legislator Carpenter has requested a CN on a public safety matter with respect to a helicopter to add to the Suffolk County fleet. As it turns out, there will be a couple of helicopters down for repairs, and there's some difficulty getting parts. And we appreciate Legislator Carpenter's cooperation and foresight in this particular matter in helping us get this done right before the end of the year, so we can get this helicopter done as quickly as possible, so that the •• Suffolk County, again, will have an additional helicopter, which they probably could use at this stage anyway with the population growing and the distances that these helicopters are covering. But as it turns out, two of the helicopters are literally down for a lack of parts, and this will be a very valued added part of our fleet, and the Police Commissioner is in full support. Thank you.

P.O. CARACAPPA:

Ready to go? First one, ***2140 (Amending the 2004 Operating Budget to provide funding for Crime Stoppers)***. Motion by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

12, 6 not present. (Not Present: Legs. Cooper, Tonna, Binder, Bishop, Montano and Fisher)

P.O. CARACAPPA:

2279, 2279A (Amending the 2004 Capital Budget and Program and appropriating funds for the purchase of a Police helicopter). Motion by Legislator Carpenter.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. And everyone cosponsoring?

LEG. FOLEY:

Yeah, sure.

LEG. MYSTAL:

All cosponsor.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

The only thing that I wanted to say and put it on the record, my one concern about this is we're buying another single engine helicopter, which doesn't have the lifting power and they're not as safe as the doubles. And I •• you know, I'm all for this, you can list me as a cosponsor, but I • • but I hope that we get the dual engine ones up and running again, they're an absolute necessity.

D.P.O. CARPENTER:

I couldn't agree with you more. As it turned out, the A•Star, which this one is probably what will be ordered, has turned out to be the more reliable helicopter, even though it is a single engine. But it has done well for the department and those that fly it, and they're very, very comfortable with it, but I agree with you. And the issue of the two that are down, I mean, it is a defective part. It's inherent not just in the two helicopters that we have, but all across this fleet that was manufactured, and I'm sure that we're going to have to look at a permanent solution for what we're going to do about those two.

MR. ZWIRN:

May I just add one thing?

D.P.O. CARACAPPA:

Certainly.

MR. ZWIRN:

We have added money to the CN to 3.1 million dollars, and we've also left open the procurement of which kind of helicopter, so we've ••

D.P.O. CARPENTER:

Exactly.

MR. ZWIRN:

At Legislator Carpenter's request, we've expanded the amount of money involved. So, therefore, if we find a helicopter that is better suited and cost a little bit more money, we will not •• we won't be restricted.

LEG. LINDSAY:

Wonderful.

D.P.O. CARPENTER:

I just want to publicly thank the County Executive Counsel and Ben for their assistance in this matter. They've been very cooperative and we appreciate it.

MR. ZWIRN:

Thank you very much.

P.O. CARACAPPA:

Very good. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. BINDER:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BISHOP:

(Not Present)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

(Not Present).

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

(Not Present)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

12. (Not Present: Legs. Cooper, Tonna, Binder, Bishop, Montano and Viloría•Fisher)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution, that being the bond.

2283 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Stephen Morgenstern 0400•177.01 •04.00•004.000). Motion by myself, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

12. (Not Present: Legs. Cooper, Tonna, Binder, Bishop, Montano and Viloría•Fisher)

P.O. CARACAPPA:

Motion to waive the rules and lay on the table the following late•starters: 2264 to EPA, 2265 to Public Works, 2266 to Ways and Means, 2267 to Health and Human Services, 2268 to Health and Human Services, 2269 to Parks, 2270 to Public Safety; 2271, Public Safety; 2272, Public Works; 2273, Ways and Means; 2274, Ways and Means; 2275, EPA; 2276, EPA; 2277, EPA; 2280, Budget and Finance; 2281, Parks; 2282, EPA; 2284, Parks; 2285, EPA; 2286, EPA; 2287, Health and Human Services; Sense 83, to Affordable Housing Ad Hoc Committee, and Sense 84 to Public Safety. There's a motion and a second. All in favor? Opposed? Abstentions? Those are laid on the table.

MR. BARTON:

13.

P.O. CARACAPPA:

I have no other business to come before the Legislature today. Anyone else need to say

anything?

LEG. MYSTAL:

Motion.

P.O. CARACAPPA:

Okay. Happy Hanukah, everyone. We stand adjourned.

[THE MEETING WAS ADJOURNED AT 5:45 P.M.]

_ _ Indicates Spelled Phonetically